

STATEMENT OF COMMON GROUND

APPEAL REFERENCE: **APP/X2410/W/22/3304644**

LPA REFERENCE: **P/20/2199/2**

DATE OF Inquiry: **28th March 2023**

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

LAND OFF LECONFIELD ROAD, NANPANTAN, LOUGHBOROUGH.

APPELLANT:

BOWBRIDGE HOMES (NANPANTAN) LTD.

LOCAL PLANNING AUTHORITY:

CHARNWOOD BOROUGH COUNCIL

DATE: **28th February 2023**


Contents	Page
1. STATEMENT.....	1
2. INTRODUCTION	2
3. THE APPEAL SITE	4
4. THE DEVELOPMENT PROPOSAL	10
5. PLANNING HISTORY	15
6. PLANNING POLICY CONTEXT	16
7. MATTERS OF AGREEMENT	21
8. MATTERS OF DISAGREEMENT.....	32


APPENDIX 1 - DRAFT CONDITIONS

APPENDIX 2 – HEADS OF TERMS

1. STATEMENT

- 1.1 This Statement of Common Ground ["SoCG"] has been prepared in accordance with Annex R of the Inspectorate's Procedural Guide for Planning Appeals - England (March 2021) and Article 37 Part 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended on behalf of Bowbridge Homes (Nanpantan) Ltd. ["the Applicant"/ "the Appellant"], in respect of an appeal ["the Appeal"] relating to land off Leconfield Road, Nanpantan ["the Appeal Site"].
- 1.2 The purpose of this SoCG is to inform the Inspector and other parties about the areas of agreement between Charnwood Borough Council ["the Council"] and the Appellant in the appeal against the refusal of an outline planning application ["the Application"] for residential development with associated infrastructure for up to 30no. dwellings, including detail of associated point of access. All other matters (landscaping, scale, layout and appearance) reserved (P/20/2199/2) ["the Proposed Development"].
- 1.3 The Appellant has also prepared an initial list of Core Documents ["CD"].

Signed on behalf of the Appellant	
Name	Carl Stott MRTPI
Position	Director, nineteen47 Ltd.
Date	28.02.2023

Signed on behalf of Charnwood Borough Council	
Name	Susan Garbutt
Position	DM-Team Leader
Date	28/2/23

2. INTRODUCTION

- 2.1 The Council has refused the Application which is the subject of this Appeal.
- 2.2 The Application was submitted by nineteen47 Ltd as the agent on behalf of the Applicant.
- 2.3 The Application sought outline planning permission for a residential development on land off Leconfield Road, Nanpantan, described as follows:

Outline application for residential development with associated infrastructure for up to 30 dwellings, including detail of associated point of access. All other matters (landscaping, scale, layout and appearance) reserved.

- 2.4 The Application was validated by the Council on 23rd December 2020 and its original statutory determination date was 24th March 2021. The Application was refused by Members of the Council's Plans Committee at its meeting of 24th February 2022, despite an officer recommendation of approval subject to conditions and a legal agreement.
- 2.5 The Decision Notice was issued on 2nd March 2022 and included two Reasons for Refusal ["RfR"], as follows:

- 1. The proposed development would fail to protect and enhance the unique landscape character of the site and surrounding area. The development would be contrary to the requirements of Core Strategy Policy CS11 and National Planning Policy Framework paragraph 174 and the identified harm would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole.**

2. The proposed development would result in significant adverse biodiversity impacts that would be contrary to the provisions of Core Strategy Policy CS13 and National Planning Policy Framework paragraphs 174 and 180.

- 2.6 Appendix 1 of this SoCG includes a copy of the proposed planning conditions as agreed by the Appellant and Council and Appendix 2 includes a copy of the Heads of Terms of a legal agreement, as agreed between the Appellant and the Council other than as described in Section 8.

3. THE APPEAL SITE, FACILITIES AND ACCESSIBILITY

- 3.1 The following matters are agreed.
- 3.2 The Appeal Site is located entirely within the administrative boundaries of Charnwood Borough Council to the west of Leconfield Road in the Nanpantan area of south-west Loughborough.
- 3.3 The Site is in the single ownership of the Helen Jean Cope Charity ["HJC"] (other than for a small extent of Highways land that abuts the Site boundary to Leconfield Road).
- 3.4 HJC has erected numerous signs indicating that the Site is private land with no public access authorised and the Appellant has erected security fencing at various parts of its boundaries. but with both the signage and fencing being tampered with/removed on numerous occasions by persons unknown.
- 3.5 The Site is wholly within the settlement limits of Loughborough as defined in the Charnwood Local Plan 2011-2028 Core Strategy (adopted November 2015). Loughborough is recognised in the Development Plan as the main town in the Borough and is the largest settlement in Leicestershire outside the City of Leicester.
- 3.6 As part of the Loughborough Urban Centre, Nanpantan is well-served by a range of services and facilities and, when combined with the existing public transport links to the surrounding area, including Loughborough town centre, it represents a sustainable location for development.
- 3.7 The Appeal Site extends to approximately 1.69ha (the extent of Highways land comprising an additional 0.04ha). The Appeal Site is located at the edge of, though within, the settlement and comprises a single field, and is located in the Charwood Forest, the boundary of which is defined by the Charnwood Forest Landscape Assessment (2019) [CD.5.2.8]. The Site is currently maintained as rough grassland, with sections of native boundary hedgerow and tree cover, including *Leylandii*, to the north, south and east.

- 3.8 In terms of its landform, the Appeal Site rises from a low-point of 80m above ordnance datum (AOD) at its eastern boundary to a high-point of 87.5m AOD where there is a localised ridge at the mid-point of its southern boundary that continues to fall to the south. To the west, the landform falls towards the south-west boundary with Burleigh Wood at 84m AOD. To the north the ridge extends to its north-west corner at 83m AOD.
- 3.9 In terms of wider landform, the Appeal Site is located in Area 7 Loughborough/Shepshed Mixed Farmland as set out in the Charnwood Forest Landscape Character Assessment (2019) [CD.5.2.8], which falls to the east to approximately 40m AOD at the eastern fringes of Loughborough. To the west and south-west, the valley rises towards the ridgeline that is defined by the wooded setting of Charnwood Forest and the local high-point of Beacon Hill at approximately 248m AOD. The landform of the valley slopes and ridge is varied, with notable outlying hills at Outwoods at approximately 136m AOD and Buck Hill at approximately 155m AOD that combine with the woodland cover to create a more complex landscape setting.
- 3.10 The Appeal Site is bound by housing on all sides except for its western boundary that adjoins a designated Ancient Woodland, namely Burleigh Wood. The settlement to the north and east associated with Leconfield Road, Tynedale Road, Montague Drive and Compton Close comprises modern residential development constructed between the 1970s and 1990s. The immediate boundaries of the Appeal Site to the north and east comprise native hedgerows and intermittent tree cover, with the rear garden boundaries of the adjoining residential properties beyond.
- 3.11 To the south, the settlement is defined by ribbon development mainly from the 1960s, which extends alongside Nanpantan Road. There is more recent development between the Appeal Site and Nanpantan Road, including a relatively new residential property at its south-east corner. The Tudor Farmhouse, a Grade II Listed Building, is located beyond the south-west boundary of the Appeal Site.

- 3.12 The southern boundary of the Appeal Site is also defined by sections of native hedgerow with intermittent tree cover, beyond which are the garden boundaries of the adjoining residential properties. These boundaries adjoin the gardens of properties associated with existing housing where there is evidence of domestication through the introduction of ornamental tree and shrub species, most notably sections of Leylandii hedgerows and coniferous tree cover. The western boundary of the Appeal Site is defined by a timber post and rail fence and the woodland setting of Burleigh Wood (which is owned by Loughborough University).
- 3.13 The wider area surrounding the Appeal Site comprises the Loughborough University Campus to the north, with sports pitches, areas of car parking and campus buildings. To the west, there is mixed arable and pastoral farmland that extends either side of Snell's Nook Lane and Longcliffe Golf Club that extends between Nanpantan Road, Snell's Nook Lane and the M1 motorway. To the south, beyond the settlement are wider areas of typically arable farmland that extend across the slopes, rising towards the wooded ridgeline to the south-east where Jubilee Wood and Outwoods mark the transition between the farmland fringes of Loughborough and the elevated Charnwood Forest landscape that extends to the south and west.
- 3.14 Access to the Appeal Site is via an existing agricultural access taken from Leconfield Road and is not crossed by any designated public rights of way as identified by Leicestershire County Council.
- 3.15 There are no statutory or non-statutory designations (SSSI/SAC/SPA/SAM/Listed Buildings/Conservation Areas) within the Appeal Site and it is wholly located within Flood Zone 1. Burleigh Wood to the west comprises a mixed-species deciduous woodland that is designated as Ancient Woodland and a Local Wildlife Site.

The Character of the Settlement

- 3.16 The following matters are agreed.

- 3.17 The character of the historic core of Nanpantan is one that has evolved over time and which varies in architectural form and scale, with a wide range of building types. Some properties retain original chimneys, occurring in a great variety of styles and adding interest to the roofscape. Buildings are generally detached or semi-detached in form and set behind generous green frontages. The material palette of the more traditional buildings tends to consist of red brick, white/cream render, in whole or in part. There are instances of timber cladding on more modern extensions and buildings. Slate is the predominant traditional roofing material with red roof tiles also seen with occasional use of pantiles to outbuildings.
- 3.18 Since the 1950s, Nanpantan has steadily expanded eastwards towards Loughborough. The majority of houses in this area are of a particular time and not distinct to the area and are typically set out in a perimeter block formation and 2-storey in height. The common material palette for these houses is usually a mixture of red/dark/buff brick with grey roof tiles. Frontages tend to be generous and boundary treatments consists of low-level front walls or hedges with a generous grass verge sitting beyond this.

Facilities within the Local Area

- 3.19 The following matters are agreed.
- 3.20 As part of the built-up area of Loughborough, Nanpantan is well-served by a range of services and facilities and, when combined with the existing public transport links to the surrounding area, including Loughborough town centre, it represents a sustainable location for development.
- 3.21 Bus stops are available on Leconfield Road/Tynedale Road (circa 200m from the Site) for Service 3 and on Nanpantan Road (circa 400m from the Site) for Service 129, providing a good level of frequency to Loughborough town centre (Services 3 and 129) and Ashby De La Zouch (Service 129) as per the table below:

Service	Route	Monday – Friday	Saturday	Sunday
3	Tynedale Road – Baxter Gate (Loughborough Town Centre)	Every 60 mins 08:35 – 17:38	Every 60 mins 07:35 – 17:38	Not operating
129	Ashby-de-la-Zouch – Loughborough	Every 120 mins 08:15 – 16:48	Every 120 mins 08:15 – 16:48	Not operating

3.22 Whilst Nanpantan has a number of services and facilities, it is essentially an extension of Loughborough where many traditional services and facilities can be found. Selected services and facilities within Nanpantan are listed below:

- Holywell Primary School (Thirlmere Drive);
- Mountfields Lodge School (Forest Road);
- Nanpantan Nursery School (Nanpantan Road);
- Watermead Day Nursery (Watermead Lane);
- St Mary in Charnwood C of E Church (Nanpantan Road);
- Holywell Church (Berkeley Road);
- Loughborough University (Ashby Road);
- Loughborough College (A6004 Epinal Way);
- Charnwood Wildlife Area (Nanpantan Road);
- Burleigh Wood Nature Reserve (Compton Close);
- Forest Road Post Office (Forest Road);
- The Priory (Nanpantan Road);
- Toby Carvery (Forest Road);
- Premier Store (Valley Road).

3.23 Further afield, Loughborough town centre has a good selection of supermarkets including a Morrisons, Sainsburys, M&S Simply Food Store, Aldi, Lidl, with the closest being Tesco Extra, located approximately 3.8km from the Appeal Site along the A6004.

3.24 Whilst there are no secondary schools in Nanpantan, Loughborough is home to several, including De Lisle College, Charnwood College, Loughborough Grammar and Loughborough High School.

3.25 Loughborough Hospital is also a short drive away along the A6004, approximately 3.9km from the Site.

4. THE DEVELOPMENT PROPOSAL

- 4.1 The following matters are agreed.
- 4.2 The Proposed Development seeks outline planning permission for up to 30no. dwellings, of which 30% will be affordable, amounting to 9no. affordable homes.
- 4.3 The Application reserved all matters (layout, scale, appearance and landscaping) for future consideration other than for the associated point of access.
- 4.4 The Application as originally validated was accompanied by the following plans and documents [CD.1], which demonstrated how the Proposed Development could potentially be delivered on the Appeal Site:

Application Forms and Certificates

- Application Form and Certificates [CD.1.2];
- Copy of Notice [CD.1.3].

Site Plans and Drawings

- Site Location Plan (n1249 001A) by nineteen47 [CD.1.4];
- Illustrative Layout Plan (n1249 007E) by nineteen47 [CD.1.5];
- Parameter Plan (n1249 010A) by nineteen47 [CD.1.6];
- Highways General Arrangement (ADC1905-DR-100 P4) by ADC Infrastructure [CD.1.7].

Technical Reports and Details

- Planning Statement (November 2020 – n1249) by nineteen47 [CD.1.8];
- Design and Access Statement (November 2020 – n1249) by nineteen47 [CD.1.9];
- Landscape and Visual Impact Assessment (19th November 2020 – Issue 1) by Golby+Luck [CD.1.10];
- Tree Survey (23rd November 2020 - P2164/1020/02) by CBE Consulting [CD.1.11];

- Extended Phase 1 Habitat Survey (23rd November 2020 - P2164/1020/01) by CBE Consulting [CD.1.12];
- Transport Statement (18th November 2020 - ADC1905-RP-A v4) by ADC Infrastructure [CD.1.13];
- Flood Risk Assessment and Drainage Strategy (18th November 2020 - ADC1905-RP-B v4) by ADC Infrastructure CD.1.14];
- Phase I Geo-Environmental Desk Study Report (31st March 2020 - 40056) by Geodyne [CD.1.15];
- Phase II Exploratory Investigation Report (8th September 2020 - 40056-2) by Geodyne [CD.1.16];
- Archaeological Desk-based Assessment (14th October 2020 - 26715 1.1) by RPS Group [CD.1.17].

4.5 The aforementioned plans show the retention of the majority of the existing boundary treatment which comprises mainly hedging and semi-natural habitats to the boundaries, with the backs of residential properties facing towards the Appeal Site interspersed with trees. The plans also include a buffer zone adjacent to Burleigh Wood.

4.6 The aforementioned plans make provision for surface water attenuation, a landscape buffer along the boundary with Burleigh Wood, an informal play area adjacent to the south-west corner of the Appeal Site and areas of formal and informal open space and landscaping.

4.7 The proposed plans and selected technical documents were updated on 26th August 2021, along with additional plans and documents submitted, in order to address consultee comments. A Design and Access Statement Addendum was submitted to the Council on 13th September 2021. A revised version of a Biodiversity Impact Assessment was submitted to the Council on 17th December 2021.

4.8 The documents against which the Application was determined by the Council [CD.2.] are as follows:

Application Forms and Certificates

- Application Form and Certificates [CD.2.1];

- Copy of Notice [CD.2.2].

Site Plans and Drawings

- Site Location Plan (n1249 001A) by nineteen47 [CD.2.3];
- Illustrative Layout Plan (n1249 007F) by nineteen47 [CD.2.4];
- Parameter Plan (n1249 010B) by nineteen47 [CD.2.5];
- POS Provision Plan (n1249 400A) by nineteen47 [CD.2.6];
- Landscape Masterplan (GI 1028 14) by Golby+Luck [CD.2.7];
- Highways General Arrangement (ADC1905-DR-100 P4) by ADC Infrastructure [CD.2.8].

Technical Reports and Details

- Planning Statement by nineteen47 (November 2020 – n1249) by nineteen47 [CD.2.9];
- Design and Access Statement (November 2020 – n1249) by nineteen47 [CD.2.10];
- Design & Access Statement Addendum (September 2021 – n1249) by nineteen47 [CD.2.11];
- Landscape and Visual Impact Assessment (19th November 2020 – Issue 1) by GL 1028 by Golby+Luck [CD.2.12];
- Rebuttal to Landscape Officer's Comments (27th July 2021) by Golby+Luck [CD.2.13];
- Rebuttal to Landscape Objections (29th September 2021) by Golby+Luck [CD.2.14];
- Tree Survey (23rd November 2020 - P2164/1020/02) by CBE Consulting [CD.2.15];
- Extended Phase 1 Habitat Survey (23rd November 2020 - P2164/1020/01) by CBE Consulting [CD.2.16];
- Ecological Supporting Letter (17th August 2021 - RSE_4942_L1_V1) by RammSanderson [CD.2.17];
- Construction and Ecological Management Plan (August 2021 – RSE 4942 02 V2) by RammSanderson [CD.2.18];
- Low Impact Ecological Impact Assessment (20th August 2021 - RSE_4942_01_V2) by RammSanderson [CD.2.19];

- Rebuttal to Julian Jones Ecology Services (22nd October 2021 / RSE 4942 L2 V1) by RammSanderson [CD.2.20];
- Biodiversity Impact Assessment (BIA_RSE_4942_Warwick_17.12.2021) by RammSanderson [CD.2.21];
- Transport Statement (18th November 2020 - ADC1905-RP-A v4) by ADC Infrastructure [CD.2.22];
- Flood Risk Assessment and Drainage Strategy (18th November 20202 - ADC1905-RP-B v4) by ADC Infrastructure [CD.2.23];
- Phase I Geo-Environmental Desk Study Report (31st March 2020 - 40056) by Geodyne [CD.2.24];
- Phase II Exploratory Investigation Report (8th September 2020 - 40056-2) by Geodyne [CD.2.25];
- Archaeological Desk-based Assessment (14th October 2020 - 26715 1.1) by RPS Group [CD.2.26];
- Built Heritage Statement (11th August 2021 - HHR/MF/26715) by RPS Group [CD.2.27].

4.9 The pack of information the Appellant submitted to the Council on 26th August 2021 included an updated Tree Survey (17th August 2021 - P2164/0521/02 v3) prepared by CBE Consulting [CD.2.15a], which the Council later says it did not receive, instead determining the Application on the basis of the Tree Survey as originally submitted [CD.2.15].

4.10 The updated Illustrative Layout Plan [CD.2.4] demonstrates that circa 1.03ha (61%) of the Appeal Site can be utilised to deliver new housing, with circa 0.66ha (39%) accommodating open space, surface water attenuation areas and other infrastructure – this amounting to circa 61% and 39% respectively of the Appeal Site's overall 1.69ha area (excluding the 0.04ha of Highways land) and equating to a net density of 29dph and a gross density of 17.5dph.

4.11 The Appellant will endeavour to agree a package of planning obligations in general accordance with those set out in the planning officer's report to the Plans Committee, The Appellant will prepare a s.106 Agreement or Unilateral Undertaking to ensure that such obligations towards on and off-site infrastructure and biodiversity enhancements can be achieved and with this to be presented to the Inspector before the start of the Inquiry. A copy of the Heads of Terms of a legal agreement agreed between the Appellant and the Council is included in Appendix 2 of this SoCG, other than in respect of those matters referred to in Section 8 of this SoCG..

5. PLANNING HISTORY

5.1 The following matters are agreed.

5.2 The details below are the previous planning applications involving the Appeal Site:

Application Ref.	Description of Development	Decision
P/88/2599/2	Residential Development	Refused 15.12.1988
P/07/1974/2	Formation of Agricultural Access	Granted 26.10.2007

5.3 Initial pre-application discussions with the Council were convened by the landowner in October 2018, with a pre-application meeting with the planning officer being held in November 2018. The initial feedback received from the planning officer was that the principle of residential development within the Site would be considered acceptable, subject to its design and successful integration into the local context,

5.3 The Appellant held an initial pre-application meeting with the planning officer in the summer of 2019, with a further meeting held on 2nd March 2020, and, whilst the planning officer was supportive of the principle of the Proposed Development, no formal written advice was issued by the Council following these meetings.

5.4 In between the aforementioned pre-application meetings, further discussions with the planning officer took place in December 2019, during which validation requirements for an application for outline planning permission were confirmed, along with a suggestion that an application be accompanied by a scheme of landscaping and boundary treatments unless those matters were to instead be secured by a planning condition.

6. PLANNING POLICY CONTEXT

The Development Plan

- 6.1 The following matters are agreed.
- 6.2 The Development Plan consists of the following:
- Charnwood Local Plan 2011–2028 Core Strategy (adopted 9th November 2015) [“the Core Strategy”] [CD.6.1]; and
 - The saved policies of the Charnwood Borough Local Plan 1999-2006 (adopted 12th January 2004) [“the Local Plan”] [CD.6.2].
- 6.3 The key Development Plan policies relevant to the determination of the Appeal are those listed below:
- Core Strategy Policy CS1 – Development Strategy;
 - Core Strategy Policy CS11 – Landscape and Countryside;
 - Core Strategy Policy CS13 – Biodiversity and Geodiversity;
 - Core Strategy Policy CS25 – Presumption in Favour of Sustainable Development;
 - Saved Local Plan Policy ST/2 – Limits to Development.
- 6.4 Other Development Plan policies of relevance to the determination of the Appeal are those listed below:
- Core Strategy Policy CS2 - High Quality Design;
 - Core Strategy Policy CS3 - Strategic Housing Needs;
 - Core Strategy Policy CS12 – Green Infrastructure
 - Core Strategy Policy CS14 - Heritage;
 - Core Strategy Policy CS16 - Sustainable Construction and Energy;

- Core Strategy Core Strategy Policy CS17 - Sustainable Travel;
- Core Strategy Policy CS18 - The Local and Strategic Road Network;
- Core Strategy Policy CS24 - Delivering Infrastructure;
- Saved Local Plan Policy EV/1 - Design; and
- Saved Local Plan Policy TR/18 - Parking in New Development.

6.5 The Council has indicated conflict with the following policies of the Development Plan within its Reasons for Refusal:

- Core Strategy Policy CS11 – Landscape and Countryside;
- Core Strategy Policy CS13 – Biodiversity and Geodiversity.

Material Considerations

6.6 Material considerations in this Appeal include the following:

- MHCLG’s National Planning Policy Framework (July 2021) [“the NPPF”] [CD.6.4];
- MHCLG’s Planning Practice Guidance [“the PPG”] [CD.6.5];
- MHCLG’s National Design Guide (updated January 2021) [CD.6.6];
- Natural England Standing Advice – Ancient Woodland and Veteran Trees (14.01.2022) [CD.5.3.1];
- The Conservation of Habitat and Species Regulations (2010) (as amended);
- The Planning (Listed Buildings and Conservation Areas Act) 1990;
- The Landscape Institute/IEEMA’s Guidelines for Landscape and Visual Impact Assessment – Third Edition (April 2013) [CD.5.2.7];
- The Council’s Design SPD (January 2020) [CD.6.7];

- The Council's Housing SPD (updated December 2017) [CD.6.8];
- The Council's emerging Charnwood Local Plan 2021-37 Pre-Submission Draft ["the Draft Local Plan"] [CD.6.3];
- The Council's adopted and emerging evidence base and material associated with the Examination of the Draft Local Plan, including, but not limited to:
 - The Examination Inspector's letter to the Council – Unmet Need Next Steps (8th July 2022) [CD.5.1.7];
 - The Council's Further Unmet Need and Next Steps Statement (30th June 2022) [CD.5.1.8];
 - The Council's Statement regarding Meeting Leicester City's Unmet Housing Need (28th June 2022) [CD.5.1.9];
 - Leicester & Leicestershire Housing & Economic Needs Assessment – Final Report and Executive Summary (June 2022) ["HENA"] [CD5.1.10];
 - Leicester and Leicestershire Housing and Economic Needs Assessment ["HENA"] – Housing Distribution Paper (June 2022) [CD.5.1.11];
 - Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) [CD.5.1.12];
 - Leicester & Leicestershire Authorities - Statement of Common Ground Sustainability Appraisal Report and Non-Technical Summary (June 2022) [CD.5.1.13];
 - Leicestershire Highways Design Guide - Interim Guide (April 2022) [CD.5.1.14];

- The Council's Housing Topic Paper (December 2021) [CD.5.1.15];
- The Council's Housing Needs Assessment (September 2020) [CD.5.1.16];
- Leicester & Leicestershire Authorities Housing and Economic Development Needs Assessment ["HEDNA"] (January 2017) [CD.5.1.17];
- The Council's Landscape Sensitivity Assessment (July 2021) [CD.5.2.1];
- The Council's Local Green Space Assessment (May 2021) [CD.5.2.2];
- The Council's Landscape Capacity and Sensitivity Assessment Addendum (February 2021) [CD.5.2.3];
- The Council's Landscape Sensitivity Assessment of SHLAA Sites (March 2019) [CD.5.2.4];
- The Council's Open Spaces Assessment (December 2017) [CD5.2.5];
- The Council's Landscape Character Assessment (July 2012) [CD.5.2.6];
- The Charnwood Forest Landscape Character Assessment (June 2019) [CD.5.2.8];
- The Council's SHELAA Report 2020 (December 2020) [CD.5.2.9];
- Leicestershire Biodiversity Action Plan - Parts 1 & 3 [CD.5.3.3];

- Space for Wildlife - Leicester, and Rutland Biodiversity Action Plan 2016 - 2026 [CD.5.3.4];
- The Council's Ecological Assessment Report Addendum Ecology Evidence Update (June 2021) [CD.5.3.5];
- The Council's Ecological Assessment Report Ecology Evidence Update, including Appendix 2: Site Assessments (June 2019) [CD.5.3.6].

National Planning Policy Framework (July 2021)

- 6.7 The following matters are agreed.
- 6.8 The Council's reasons for refusal cited conflict with the following Paragraphs of the NPPF within its two RfR:
- Paragraphs 174 and 180.

Draft Local Plan

- 6.9 The following matters are agreed.
- 6.10 The Draft Local Plan 2021-37 ["the Draft Local Plan"] is being prepared by the Council and, if adopted, would replace the Core Strategy and the saved policies of the Local Plan and include policies to guide development within the Borough through to 2037.
- 6.11 The Pre-Submission version of the Draft Local Plan was the subject of consultation in July/August 2021 – which the Appellant submitted representations to - and was submitted to the Secretary of State for consideration in December 2021.

- 6.12 Examination hearing sessions for the Draft Local commenced on 28th June 2022 but were postponed by the Examination Inspectors on 30th June 2022. During the Matter 1 hearing session on 28th June 2022, the Council confirmed that it would, in principle, be willing to accommodate Charnwood's apportionment of Leicester's unmet housing need, as set out in the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) [CD.5.1.12]. As this represented a significant change in circumstances compared with the submitted Draft Plan, which had instead proposed that unmet housing need would be dealt with through a later Plan review, the Examination Inspectors postponed further hearing sessions in order for consideration to be given to how the apportionment could be tested and the Examination subsequently progressed.
- 6.13 These further Hearings were held in w/c 24.10.2022 but at the time of submission of this Statement no further progress has been announced. The parties will inform the Inspectorate of the progress of the Examination during the course of this appeal.
- 6.14 The Draft Local Plan is therefore not adopted but can be assigned weight in the determination of planning applications in accordance with NPPF Paragraph 48. It is agreed that, at this stage, the Draft Local Plan can be assigned limited weight.
- 6.15 The site is not included in settlement limits in the Draft Local Plan, nor is it an allocated housing site.

7. MATTERS OF AGREEMENT

The Principle of Development

- 7.1 The following matters are agreed.
- 7.2 The Development Plan is now more than 5 years old.
- 7.3 The Council is unable to demonstrate a deliverable five-year housing land supply ["5YHLS"]. As of 1st April 2022, the Council's housing land supply ["HLS"] is 3.04 years [CD.5.1.3] based on a requirement calculated by the standard method of 1,111no. dwellings per year. The tilted balance as set out in Paragraph 11(d) of the NPPF is therefore engaged and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when taken as a whole.
- 7.4 The Site is an unallocated site within the settlement limits of Loughborough, as defined by the adopted Development Plan,
- 7.5 The adopted Development Plan directs at least 5,000no. dwellings to be delivered across Loughborough and Shepshed in the period 2011 to 2028.
- 7.6 The Proposed Development is in accordance with Policy CS1 of the Core Strategy, which seeks to encourage new residential development within the confines of Loughborough, as the largest settlement in the borough with good access to jobs, services and facilities and public transport. The Proposed Development is acceptable in principle.
- 7.7 The delivery of up to 30no. dwellings is a benefit of the Proposed Development which needs to be balanced against any harms arising. The current shortfall is 2,389 houses (at 31st March 2022) and the development would therefore provide a contribution of 1.2% towards its remedy. The significance of this benefit will be the subject of submissions by the parties. The precise housing mix is not a matter for determination in the Appeal but an appropriate housing mix, compliant with the relevant policy requirements can be secured at the reserved matters stage.

7.8 The Proposed Development provides up to 30% affordable housing on site (up to 9no. affordable dwellings) in accordance with the Development Plan. The level of affordable housing need in the Borough has increased from 392dpa as reported in HEDNA in January 2017 [CD.5.1.17] to 455dpa as reported in the HENA of June 2022 [CD.5.1.10], an increase of over 15%. Taking into account the sustainable location of the Appeal Site within the settlement limits of Loughborough, where residential proposals may be acceptable, subject to all material considerations, along with the Council's current lack of 5YHLS, at the time of preparing this appeal, triggers the tilted balance of Paragraph 11 of the NPPF.

Landscape and Visual Impact

- 7.9 The following matters are agreed.
- 7.10 The Appeal Site is within the boundary of Charnwood Forest not subject to any other specific landscape designations. The Appeal Site has not been designated as a Local Green Space and is not a 'valued landscape'. There is reference to the Site in the Council's SHELAA Report 2020 [CD.5.2.9] in relation to its undeveloped nature contributing to the existing settlement – the conclusions of the SHLAA in this respect are not agreed by the Appellant, as listed in Section 8 of this SoCG.
- 7.11 The Appeal Site falls within the broader Soar Valley landscape character area and has been assessed as part of the evidence base for the Draft Local Plan, particularly the Council's Landscape Sensitivity Assessment of SHLAA sites (2019) [CD.5.2.4]) under site reference PSH447. The Landscape Sensitivity Assessment comments on the Appeal Site along with a proposed allocation site at Snells Nook Lane, to the immediate west of Burleigh Wood, which is referenced as PSH133.

- 7.12 The assessment recognises that the Appeal Site is located between residential developments and the Burleigh Wood and consists of rough grassland. The assessment recognises that the Appeal Site forms part of the wider landscape setting to existing development and is influenced by the surrounding residential development, with the woodland being dense in form and a robust boundary and backdrop to the west.
- 7.13 The assessment finds that the Appeal Site has an overall low to moderate landscape sensitivity on the basis that it is more closely associated with existing development and screened from the wider landscape by existing woodland.
- 7.14 It is agreed that consideration of any impacts of the Proposed Development on the wider landscape should be taken in the context of the Appeal Site being surrounded on three sides by existing residential development and with the main built-up area of Loughborough extending to the east of the Site and Burleigh Wood to the west. It is agreed that existing residential development and other allocations in the area extend within close proximity to the Ancient Woodland.
- 7.15 It is agreed that the existing Site is in private ownership with no public access and therefore has no recreational value.

Ecology and Biodiversity

- 7.16 The following matters are agreed.
- 7.17 The Appeal Site is not subject to any ecological or biodiversity designations.
- 7.18 The Appeal Site is located directly adjacent to the Ancient Woodland boundary of Burleigh Wood, which is also a Local Wildlife Site. The Proposed Development does not propose any direct loss to the designated habitats of Burleigh Wood itself.. The Proposed Development does not propose any direct loss to the designated habitats of Burleigh Wood itself.

7.19 The Application included an Extended Phase 1 Habitat Survey [CD.2.16], and Ecological Impact Assessment [CD.2.19] and an updated Biodiversity Impact Assessment ["BIA"] [CD.2.21] based on the Warwickshire metric. The Appellant was advised by the planning officer's email of 2nd February 2022 [CD.8.25] that the Council's ecologist had no objection, subject to conditions and a s.106 Agreement.

Open Space

- 7.20 The following matters are agreed.
- 7.21 The Appeal Site is not subject to any open space designations and comprises privately owned agricultural land, with no public right of access into or through it.
- 7.22 Submissions were made to the Council by third parties in March 2021, seeking to designate the Appeal Site as an Asset of Community Value ["ACV"], though this was refused by the Council on the basis that the primary use of the Site is agricultural.
- 7.23 A submission was made to Leicestershire County Council ["LCC"] by third parties in March 2021 to create a public right of way ["PRoW"] through the Appeal Site. However, the submission has not progressed and, whilst LCC is obliged to consider the submission, it has advised that this process can take a matter of years to reach resolution. At present, there is no PRoW within the Appeal Site and any ongoing consideration for a new PRoW within it is not considered to be restrictive to the determination of the appeal.
- 7.24 The Appeal Site was considered as part of the evidence base for the Draft Local Plan as a potential Local Green Space designation. However, the Council's Local Green Space Assessment (May 2021) [CD.5.2.2] ultimately concluded that the Appeal Site should not be designated as a Local Green Space.

- 7.25 The Charnwood Open Spaces Assessment (December 2017) [CD.5.2.5] finds that the Nanpantan ward runs at a deficit for the majority of open space typologies, though this is similar to the majority of other wards within Loughborough and, in some areas, Nanpantan has better access to open space than other wards, particularly some of those of the larger villages included in the study. It is not necessary for the Appeal Site to contribute to mitigate for any existing such deficit, only to ensure that any additional impact created by the Proposed Development is addressed. The overall accessibility of the Appeal Site to existing open space and the potential for some new open space to be delivered on-site as part of the Proposed Development is not considered to be restrictive on the principle of residential development being delivered on the Appeal Site.
- 7.26 The Proposed Development will make an improvement to the current accessibility of the Appeal Site to the local community, with potential for natural amenity space and a potential play area to be made publicly accessible.
- 7.27 There are no objections to the Proposed Development from the Council's Open Space team in relation to the availability of open space to future residents, subject to securing on-site provision of various open space typologies and/or the contributions towards off-site improvements, as follows:
- An on-site multi-functional green space (parks) area of at least 0.02ha to be combined with an on-site amenity green space of at least 0.03ha – the POS Provision Plan [CD.2.6] and Illustrative Layout Plan [CD.2.4] demonstrating that the Proposed Development can accommodate the required 0.02ha of multi-functional green space and 0.03ha of amenity green space.

- An on-site natural and semi-natural open space of at least 0.14ha - the POS Provision Plan [CD.2.6] and Illustrative Layout Plan [CD.2.4] demonstrating that the Proposed Development can accommodate 0.63ha of natural and semi-natural open space, significantly exceeding the minimum requirement;
- On-site sports facilities of at least 0.19ha or, if provision cannot be achieved on-site, a contribution of up to £9,881.00 is to be secured towards off-site provision via a s.106 Agreement – the Application proposing a compliant contribution towards off-site provision;
- On-site allotment facilities of at least 0.02ha or, if provision cannot be achieved on-site, a contribution of up to £3,388.00 is to be secured towards the enhancement of allotment facilities in Loughborough via a s.106 Agreement – the Application proposing a compliant contribution towards off-site provision.
- Appropriate play provision on-site or, if provision cannot be achieved on-site, a reasonable contribution (*to be agreed with the Council during the Appeal process*) towards off-site provision via a s.106 Agreement.

7.28 It is therefore agreed that the Proposed Development is acceptable in relation to open space.

Heritage and Archaeology

7.29 The following matters are agreed.

7.30 The Appeal Site is not located within a Conservation Area but is located adjacent to the north of Burleigh Farmhouse, a Grade II Listed Building. The Appeal Site was once part of Burleigh Farmhouse but subsequent development has effectively severed evidence of past association, such that the Appeal Site is not within the curtilage of the Listed Building but the development of the Appeal Site has the potential to result in some degree of change to the setting of this designated heritage asset.

- 7.31 There are no records of archaeological interest within the Appeal Site or in its immediate vicinity. On the basis of the limited archaeological potential identified in a desk-top assessment, there are no fundamental archaeological constraints to the development of the Appeal Site and with the Council's Conservation Officer raising no objections to the Proposed Development on archaeological-related grounds.
- 7.32 The Parameter Plan [CD.2.5] and Illustrative Layout Plan [CD.2.4] demonstrate that there is potential to develop the Appeal Site whilst achieving an acceptable relationship with the Listed Building and with the Council's Conservation Officer raising no objections to the Proposed Development on heritage-related grounds. Any impact on the setting of the Listed Building would be less than substantial and that the degree of harm is outweighed by the public benefits of the Proposed Development, including the delivery of housing (and affordable housing) at a time when the Council cannot demonstrate a deliverable 5YHLS.
- 7.33 It is therefore agreed that the heritage and archaeological impacts of the Proposed Development are acceptable.

Impact on Residential Amenity

- 7.34 The following matters are agreed.
- 7.35 A detailed assessment of the impact of the Proposed Development on residential amenity, including overlooking and overshadowing, would be made at the reserved matters stage. However, in the context of the Parameter Plan [CD.2.5] and Illustrative Layout Plan [CD.2.4], it is reasonable to expect that a scheme of an appropriate scale, design and layout can be achieved, complemented by appropriate landscaping, to ensure that the residential amenity of surrounding dwellings is protected to an appropriate degree.

- 7.36 The Proposed Development is not considered to result in significant noise levels when operational and any noise relating to the construction phase can be appropriately controlled via a Construction Management Plan to be secured by a planning condition.
- 7.37 It is therefore agreed that a residential development can be delivered on the Appeal Site, which does not result in unacceptable impacts on residential amenity.

Highway Matters/Accessibility

- 7.38 The following matters are agreed.
- 7.39 The Proposed Development seeks outline permission with all matters reserved other than for the point of access as a detail for consideration, including improvements to the existing access off Leconfield Road to provide vehicular access for up to 30no. dwellings.
- 7.40 The Appeal Site is located wholly within the settlement limits of Loughborough, which is recognised in the Development Plan as the main town in the Borough, and has good proximity to bus stops, cycleways and pedestrian links, constituting an accessible location with good access to employment, services and facilities, as detailed in Paragraphs 3.19 to 3.25.
- 7.41 LCC as the Local Highway Authority raised no objections to the Proposed Development on the grounds of accessibility or highway safety, subject to conditions.
- 7.42 It is therefore agreed that the Appeal Site comprises a sustainable location and that the impacts of the Proposed Development on the local highway network would not be severe.

Flood Risk and Drainage

- 7.43 The following matters are agreed.

- 7.44 The Appeal Site is within Flood Zone 1 (low risk of fluvial flooding) and at low risk of surface water flooding. The Appeal Site has a raised topography with its lowest part being in the north-east corner.
- 7.45 LCC as the Lead Local Flood Authority ["LLFA"] and Severn Trent Water considered the Proposed Development to be acceptable, subject to conditions which, in general, require detailed drainage proposals to be agreed prior to commencement of development.
- 7.46 It is therefore agreed that the Site can be satisfactorily drained and that there will be no unavoidable flood risk to future or existing residents.

Loss of Agricultural Land

- 7.47 The following matters are agreed.
- 7.48 The Appeal Site provides an isolated parcel of Grade 3 agricultural land and does not represent agricultural land of the highest quality, such that would render the principle of its development as being unacceptable.
- 7.49 It is therefore agreed that the loss of Grade 3 agricultural land does not represent a significant or adverse loss that, on its own, would outweigh the benefit of delivering housing and associated infrastructure on the Appeal Site.
- 7.50 It is therefore agreed that the Site can be satisfactorily drained and that there will be no unavoidable flood risk to future or existing residents.

Contamination and Ground Conditions

- 7.51 The following matters are agreed.
- 7.52 The Application was supported by a Phase I Geo-Environmental Desk Study Report and a Phase II Exploratory Investigation, which demonstrated that there were no insurmountable constraints to the Proposed Development in terms of contamination and ground conditions.

7.53 The Council's Environmental Health Officer was satisfied with the findings of the reports supporting the Application and raised no objections.

Air Quality

7.54 The following matters are agreed.

7.55 The Site is not located within or adjacent to an Air Quality Management Area and the Proposed Development would not result in the need for designation of an Air Quality Management Area.

7.56 The Council did not require an Air Quality Assessment to accompany the Application and did not refuse the Application for reasons relating to air quality.

Planning Obligations

7.57 The following matters are agreed.

7.58 The Heads of Terms set out in Appendix 2 provide the planning obligations necessary to ensure compliance with the Development Plan.

Benefits of the Proposed Development and Associated Weight

- 7.59 It is agreed that the benefits of the Proposed Development are as follows:
- The delivery of market housing in a sustainable location, at a time when the Council continues to be unable to demonstrate a 5 YHLS;
 - The delivery of a policy-compliant level of affordable housing within a Borough which continues to demonstrate significant levels of unmet need;
 - The delivery of new housing in a sustainable location within walking and cycling distance of a range of services and facilities, including a primary school;

- The creation and maintenance of publicly accessible natural green space and landscaping on a site that is currently private - environmental benefits of moderate weight;
- Generation of job creation and investment at the construction and occupation stages – an economic benefit of moderate weight;
- Generation of increased Council Tax receipts – an economic benefit of moderate weight;
- Generation of New Homes Bonus – an economic benefit of moderate weight.

8. MATTERS OF DISAGREEMENT

8.1 The issues of disagreement between the parties are as follows:

- **Issue 1** – Whether the Proposed Development is contrary to Policy CS11 (Landscape and Countryside) of the Core Strategy and Paragraph 174 of the NPPF, such that, when all other local and national policy and other material considerations are taken into account, the Application should be refused outline planning permission as a consequence.
- **Issue 2** – Whether the Proposed Development would result in significant adverse biodiversity impacts that would be contrary to Policy CS13 (Biodiversity and Geodiversity) of the Core Strategy and Paragraphs 174 and 180 of the NPPF, such that, when all other local and national policy and other material considerations are taken into account, the Application should be refused planning permission as a consequence.
- **Issue 3** – Whether the adverse impacts on landscape character and biodiversity considered by the Council to result from the Proposed Development significantly and demonstrably outweigh the benefits of the Proposed Development when assessed against the policies of the NPPF as a whole.
- **Issue 4** – The Council disagrees with the Appellant that the Site is immediately deliverable and developable, as defined by the NPPF.
- **Issue 5** – The Appellant considers the delivery of new market and affordable housing to represent a significant social benefit, whereas the Council considers this to amount to a modest benefit.
- **Issue 6** – The Appellant disagrees with the conclusions of the Council's SHELAA Report 2020 [CD.5.2.9], which refers to the Site's undeveloped nature contributing to the existing settlement.

- **Issue 7** – The Heads of Terms included in Appendix 2 of this SoCG are agreed, other than in terms of play provision (under the heading of Open Space) and the means of securing off-site biodiversity mitigation (under the heading of Biodiversity Mitigation), as referenced below:
 - Play Provision (Appellant’s wording)
 - Appropriate play provision on-site or, if provision cannot be achieved on-site, then a reasonable contribution (to be agreed during the Appeal process) towards off-site provision via a s.106 Agreement.
 - Play Provision (Council’s wording)
 - An on-site LEAP facility;
 - On-site provision for young people. Alternatively, if provision cannot be achieved on-site, then a contribution of up to £28,620.00 is to be sought for off-site provision.
 - Off-site Biodiversity Enhancements (Appellant’s wording)
 - Mitigation via a managed off-site biodiversity off-setting scheme involving land in the locality of the Appeal Site.
 - Off-site Biodiversity Enhancements (Council’s wording)
 - Off-site contribution using cost model WCCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided).

APPENDIX 1: DRAFT CONDITIONS

1. Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of the appearance, landscaping, layout and scale, ("the reserved matters"), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in broad accordance with the following approved plans:

- Parameter Plan (n1249_010B);
- POS Provision Plan (n1249_400A);
- Tree Survey (P2164 /0521 /02 v3 17.08.2021);
- Highways General Arrangement (ADC1905-DR-100 Revision P4).

REASON: To provide certainty and define the terms of the permission.

4. The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.

REASON: To ensure that an appropriate mix of homes is provided that meets the Council's identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, and the advice within the NPPF.

5. The landscaping details submitted pursuant to condition 2 above shall include:

- i) the treatment proposed for all ground surfaces, including hard surfaced areas;
- ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;
- iii) finished levels or contours within any landscaped areas;
- iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.
- v) functional services above and below ground within landscaped areas; and
- vi) all existing trees, hedges and other landscape features,

indicating clearly any to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and C13 of the Development Plan.

6. The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.

REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.

7. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum detail of: a) the routing of construction traffic, b) wheel cleansing facilities, c) vehicle parking facilities, and d) a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

8. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The CEMP shall be in broad accordance with the

Construction and Ecological Management Plan (RSE_492_02_V2 August 2021). The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

REASON: To reduce the possibility of adverse impacts on nearby SSSIs and ecology in accordance with Policy CS13 and the NPPF and to minimise disruption to the neighbouring residents in accordance with Policy CS2 of the Core Strategy and saved Policy EV/1 of the Local Plan (2004).

9. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30hrs and 18:00hrs on weekdays and 08:00hrs and 13:00hrs on Saturdays and at any time on Sundays and Bank Holidays.

REASON: To minimise disruption to the neighbouring residents in accordance with Policy CS2 of the Core Strategy and saved Policy EV/1 of the Local Plan (2004).

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC1905-DR-100 Revision P4, ' Onsite Highway General Arrangement', have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

11. A Biodiversity Impact Assessment shall be submitted with the 'Reserved Matters' to assess the impact of the development in relation to the site ecology based on the agreed Baseline ecology measurement as set out in the BIA (17th December 2021) and shall include the provision of mitigation measures to offset any negative impact on habitat along with timescales for implementation. The approved ecological mitigation shall then be fully implemented in accordance with the approved timescales.

REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.

12.No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Paragraph 169 of the NPPF.

13.No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Paragraph 169 of the NPPF.

14.No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including

sustainable drainage systems) within the proposed development in accordance with Paragraph 169 of the NPPF.

- 15.No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Paragraph 169 of the NPPF.

- 16.Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.

REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS13, CS15 and CS16.

- 17.The existing hedges and trees located within the application site boundaries, other than at the point of the new access shall be retained and maintained at all times. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

- 18.No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for

the duration of building operations on the application site.

19. The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:

- i. An on-site multi-function green space (minimum 0.02ha);
- ii. An on-site natural and semi open space (minimum 0.14ha);
- iii. An on-site amenity green space (minimum 0.03ha);
- iv. Appropriate play provision (*to be agreed with the Council during the Appeal process*).

Further planning conditions will need adding or conditions above amended in relation to:

- Onsite and offsite Habitat Management Plans specifying the amount of Biodiversity Units
- Further protected species surveys as identified as being pre commencement in the EclA.

APPENDIX 2: HEADS OF TERMS

Libraries

- Up to £910.00 towards the improvement of facilities at Loughborough Library.

Open Space

- An on-site multi-function green space (minimum 0.02ha).
- An on-site natural and semi open space (minimum 0.14ha).
- An on-site amenity green space (minimum 0.03ha).
- 0.19ha on-site provision or up to a £9,881.00 contribution towards off-site outdoor sports facilities
- 0.02ha on-site provision or up to a £3,388.00 contribution towards off-site provision or enhancement of allotment facilities in Loughborough.

Affordable Housing

- 30% of the dwellings to be affordable housing (up to 9no. units) with 63% for affordable rent and 37% shared ownership.

NHS

- Up to £15,189.37 to increase and improve facilities at the Forest Edge surgeries in Loughborough.

Highways

- Raised kerb provision at the local bus stop on Leconfield Road at a cost of £4,000 to support modern bus fleets with low floor capabilities.
- Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- Six-month bus passes, 2no. per dwelling (2no. application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £510 per pass).

Civic Amenity

- Up to £1,281.00 towards the increase and improvement of the facilities at Shepshed Waste and Recycling facility.

Biodiversity Mitigation

- The submission of a Biodiversity Mitigation Strategy, which includes a new BIA assessment based on the baseline which has agreed through the BIA submitted on 17th December 2021 in support of the Application, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve biodiversity net gain.

- Mitigation on site;

