

nineteen47

CHARTERED TOWN PLANNERS
& URBAN DESIGNERS

Appeal Statement of Case (Planning)

Appeal against the refusal of Outline Planning Permission for a 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.

Land off Leconfield Road, Nanpantan, Loughborough.

On Behalf of Bowbridge Homes (Nanpantan) Ltd.

PINS ref: APP/X2410/W/22/3304644 LPA ref: P/20/2199/2

Client:

Bowbridge Homes (Nanpantan) Ltd.

Project:

Land off Leconfield Road, Nanpantan

Report Title:

Appeal Statement of Case (Planning)

nineteen47 Reference:

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Date:

12th September 2022

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SECTION 1: Introduction

- 1.1 nineteen47 Ltd. is instructed by Bowbridge Homes (Nanpantan) Ltd. [the “Appellant”] to prepare and submit an appeal [“the Appeal”] under the provisions of Section 78 of the Town and Country Planning Act 1990, in respect of Land off Leconfield Road, Nanpantan, Loughborough [the “Appeal Site”].

Background

- 1.2 The Appeal follows the resolution of the Charnwood Borough Council Plans Committee meeting of 24th February 2022 to refuse the application for outline planning permission, referenced P/20/2199/2 [“the Application”] that proposed the following description of development [“the Appeal Proposals” or “the Proposed Development”]:

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.

- 1.3 The Application was validated by the Council on 23rd December 2020 and was supported by a comprehensive suite of plans and technical reports [CD.1], which were subsequently supplemented/superseded by updated/further documents [CD.2] to address matters raised by officers and statutory consultees following the submission of the Application.

- 1.4 The Application was recommended for approval by the planning officer, with a copy of their Committee Report and Extras Report to the Council’s Plans Committee of 24th February 2022 provided at CD.3.1 and CD.3.2 respectively. Members of the Committee resolved to refuse the Application, contrary to the recommendation of its officers, as detailed in the Committee Minutes [CD.3.3]. The Council subsequently issued its decision notice on 2nd March 2022 [CD.3.4] and with this setting out the following two Reasons for Refusal [“RfR”]:

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.

- 1.5 Whilst the Appellant had requested the Appeal be considered via the Inquiry procedure, the Inspectorate has confirmed by way of its letter dated 16th August 2022 that it will instead be considered via the Hearing procedure under the reference APP/X2410/W/22/3304644.

Qualifications

- 1.6 I am Carl Stott, Director of nineteen47 Ltd, a planning and urban design consultancy, which employs an experienced team of planners and urban designers and which works nationally from offices in the East Midlands, Sheffield and York. I hold a BA (Hons) Degree and a Masters Degree in Town Planning (Urban Conservation) from the University of Newcastle-upon-Tyne.

- 1.7 I have been a Chartered Town Planner (MRTPI) since 2000 and an Associate EIA Practitioner (IEMA) since 2016. I have 22 years of professional planning experience, with the first 9 of these spent in development management roles in the public sector at various local planning authorities and with the latter 13 spent in the private sector in planning consultancy. I act for a variety of clients on a wide range of residential and commercial schemes across the UK on behalf of national, regional and local housebuilders, businesses and private landowners.
- 1.8 I am familiar with the Appeal Site and the Appeal Proposals, having acted as the Appellant's agent throughout the application process. I can confirm that the evidence which I have provided within this SoC (Planning) is true and is given in accordance with the guidelines of my professional institutions.

Scope of the Statement of Case (Planning)

- 1.9 This Statement of Case ["SoC"] (Planning) [CD.4.2.1] summarises and apportions weight to the factors that need to be considered in accordance with the Development Plan, national planning policy and other material considerations and should be read in conjunction with the separately-bound SoCs from the following members of the Appellant's team in respect of evidence on Landscape [CD.4.2.2] and Biodiversity [CD.4.2.3]:
- **Landscape:** Sara Boland, Managing Director, Influence Landscape Architects; and
 - **Biodiversity:** Oliver Ramm, Director, RammSanderson.
- 1.10 The Appellant reserves the right to introduce additional members to address any other issues that may be raised by the Council in its own SoC or in representations received from other parties.
- 1.11 The Appellant has prepared a draft Statement of Common Ground ["SoCG"] [CD.4.1.1], which accompanies the Appeal submission and with this to be the subject of discussion and agreement with the Council in due course [CD.4.1.1].
- 1.12 Without prejudice to the outcome of the Appeal, the Appellant will endeavour to agree a draft list of planning conditions, in general accordance with those set out in the planning officer's Plans Committee Report [CD.3.1], through discussions with the Council. A list of draft conditions in this respect is included in Appendix 1 of the draft SoCG [CD.4.1.1].
- 1.13 Without prejudice to the outcome of the Appeal, the Appellant will prepare a legal agreement via a s.106 Agreement or Unilateral Undertaking to ensure that financial contributions towards necessary off-site infrastructure can be secured and to ensure that specific and identified off-site biodiversity enhancements can be achieved and with this to be presented to the Inspector within the prescribed timescales before the start of the Hearing. The Heads of Terms of the obligations to be secured by the legal agreement are as listed in the Appendix 2 of the draft SoCG [CD.4.1.1].
- 1.14 The Appellant has also prepared an initial list of Core Documents ["CD"] to be referred to during the Appeal. The Appellant reserves the right to add to or amend this list of documents as necessary following review of the Council's SoC or representations received from third-parties in due course.

1.15 This SoC (Planning) is structured as follows:

- Section 1: Introduction
- Section 2: The Appeal Site and its Surroundings (inc. relevant planning history);
- Section 3: The Appeal Proposals;
- Section 4: Planning Policy Context and Material Considerations;
- Section 5: The Case in Support of the Appeal;
- Section 6: Conclusions and Planning Balance.

SECTION 2: The Appeal Site and its Surroundings

- 2.1 Detailed contextual analysis of the Site, its facilities and services and its accessibility is provided in the draft SoCG [CD.4.1.1] and is also set out in Section 2 of the Planning Statement [CD.2.9] and Section 3 of the Design and Access Statement [CD.2.10] that accompanied the Application, though is summarised below.

The Appeal Site

- 2.2 The Appeal Site is located entirely within the administrative boundaries of Charnwood Borough Council [“the Council”] to the west of Leconfield Road in the Nanpantan area of south-west Loughborough.
- 2.3 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.
- 2.4 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). The Site is available immediately for residential development.
- 2.5 HJC has erected numerous signs indicating that the Site is private land with no public access authorised and with security fencing having been erected by the Appellant at various parts of its boundary but with both the signage and fencing being tampered with/removed on numerous occasions by persons unknown.
- 2.6 The Appeal Site extends to approximately 1.69ha (the extent of Highways land comprising an additional 0.04ha) and comprises a single field, currently maintained as rough grassland, with sections of native boundary hedgerow and tree cover, including Leylandii, to the north, south and east.
- 2.7 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 [“LCC”].
- 2.8 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.
- 2.9 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 Nature Reserve.

The Immediate Surroundings

- 2.10 The Appeal Site is bound by housing on all sides except for its western boundary that adjoins Burleigh Wood. The settlement to the north and east associated with Leconfield Road,

Tynedale Road, Montague Drive and Compton Close comprises modern residential development generally 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.

- 2.11 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.
- 2.12 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 section of Leylandii hedgerows and coniferous tree cover. The western boundary of the Appeal Site is defined by a timber post and rail fence, beyond which is the woodland setting of Burleigh Wood (which is owned by Loughborough University).

The Wider Surroundings

- 2.13 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.
- 2.14 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.
- 2.15 In terms of wider landform, the Appeal Site is located on the southern slopes of the Soar Valley that fall 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.

Relevant Planning History

2.16 The Site has been the subject of 2no. previous planning applications, as detailed below:

a) 15th December 1988 (P/88/2599/2):

Permission refused for residential development due to:

- Substantial detriment to the landscape character and visual amenity of the area;
- Loss of privacy to existing neighbouring properties; and
- Impact on the local highway network.

b) 26th October 2007 (P/07/1974/2):

Permission granted for the formation of an agricultural access.

SECTION 3: The Appeal Proposals

- 3.1 Pre-application discussions were undertaken with the Council prior to the submission of the planning application, as set out in the SoCG, and included general agreement on parameters associated with the development of the Site.
- 3.2 The Application was subsequently prepared and submitted to the Council, being validated on 23rd December 2020 under the reference, P/20/2199/2.
- 3.3 The description of the development as stated on the decision notice, is 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.

- 3.4 The Proposed Development is described in detail in the Design and Access Statement and Design and Access Statement Addendum [CD.4.1 and CD.4.2 respectively] and is summarised below.
- 3.5 The Application was supported by an Illustrative Layout Plan (n1249 007E) [CD.1.5], which was superseded by an updated version (n1249 007F) [CD.2.4] during the determination of the Application and which demonstrates how the Appeal Site can accommodate up to 30no. dwellings (1 - 5-bedroom), of which a policy-compliant 30% will be affordable, equating in the delivery of 9no. affordable homes.
- 3.6 The Illustrative Layout Plan [CD.2.4] demonstrates that circa 1.03ha of the Appeal Site can be utilised to deliver new housing, with circa 0.66ha accommodating open space, surface water attenuation areas and other infrastructure – this amounting to circa 61% and 39% respectively of the Appeal Site’s 1.69ha area.
- 3.7 The exact number of dwellings (no more than 30no.) will be defined as part of a subsequent application for reserved matters consent, though it is anticipated that up to 30no. new homes can be accommodated across the Appeal Site, equating to a density of circa 29 (net) dwellings per hectare, which is considered appropriate for this urban area, taking account of existing constraints, whilst representing an efficient use of the land.
- 3.8 The housing mix will be for determination at the subsequent reserved matters stage, though the Illustrative Layout Plan [CD.2.4] is based generally on the delivery of a policy-compliant mix of housing (open market and affordable) comprising 4no. 1-bedroom, 8no. 2-bedroom, 12no. 3-bedroom, 3no. 4-bedroom and 3no. 5-bedroom dwellings.
- 3.9 The proposed dwellings will be two-storeys in height, with a mix of front and side gables located to add variety to the street scene, enclosure to primary streets and spaces and massing to landmark buildings. Dwellings are likely to be proposed in detached, semi-detached and terraced formats.
- 3.10 The Illustrative Layout Plan [CD.2.4] creates approximately 0.66ha of green open space across the Proposed Development. The majority of this open space is along the western boundary, where a 20m deep buffer will be retained against Burleigh Wood. Existing mature landscape features will be retained and the new dwellings will be set back from Burleigh Wood and areas of ecological interest, with a secure green corridor also along the northern boundary to serve as a buffer.

- 3.11 Surface water attenuation is proposed via the formation of a landscaped detention basin, which will be located to the north-eastern/eastern side of the Appeal Site.
- 3.12 The point of vehicular access to the Proposed Development will be via an extension of the existing Leconfield Road, which abuts the Site. The new access will be compliant with the Leicestershire Highway Design Guide and guidance set out in the Design Manual for Roads and Bridges.
- 3.13 Since the refusal of the Application, the Appellant has secured further land that will be utilised as an off-site offsetting receptor in order to achieve significant biodiversity net gains as part of the Appeal Proposals. This further land is in the same ownership as the Appeal Site and is situated within its locality, to its south-west, beyond Nanpantan Road and adjacent to Nanpantan Reservoir in an area of improved grassland in poor condition. The location of the off-site land and details of the proposed offsetting scheme is provided in the SoC (Biodiversity) [CD.4.2.3] and its appendices.

SECTION 4: Planning Policy Context and Material Considerations

4.1 This Section considers the planning policy context and other material considerations relevant to the Appeal, including in terms of the Development Plan, national and local documents/publications, appeal decisions and the nation's housing crisis before establishing the status of the policies of the Development Plan and the weight to be afforded them in the consideration of the Appeal.

The Development Plan

4.2 The Development Plan for the purposes of determining planning applications under Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:

- Charnwood Local Plan 2011-2028 Core Strategy (adopted November 2015) ["the Core Strategy"] [CD.6.1]; and
- The saved policies of the Charnwood Borough Local Plan 1999-2006 (adopted January 2004) ["the Local Plan"] [CD.6.2]. i

4.3 Both the Core Strategy and the Saved Policies of the Local Plan are more than 5 years old and have not been updated as required by Paragraph 33 of the National Planning Policy Framework (2021) – such reviews being a legal requirement for all local plans under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.

4.4 The Development Plan policies of most importance to the determination of the Appeal are considered below.

- a) **Core Strategy Policy CS1 (Development Strategy)** sets out a development strategy and settlement hierarchy for the Borough that sequentially guides development towards the most sustainable settlements. The housing requirement across the Plan period (2011 - 2028) includes the provision of at least 13,940no. dwellings, equivalent to 820no. dwellings per year, based on the Leicester & Leicestershire Authorities SHMA (June 2014) [CD.5.1.18]. The hierarchy establishes the Leicester Principal Urban Area as the priority location for growth in the Borough but with the majority of remaining growth to be met in Loughborough and Shepshed (at least 5,000no. new homes across the Plan period) and with the policy aiming to respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and which is in accordance with policies elsewhere in the Core Strategy.
- b) **Core Strategy Policy CS3 (Strategic Housing Needs)** sets an affordable housing target of 30% for residential developments of 10no or more dwellings in Loughborough, and seeks to deliver an appropriate mix of types, tenures and sizes.
- c) **Core Strategy Policy CS11 (Landscape and Countryside)**, amongst other matters, requires new development to protect landscape character, reinforce a sense of place and local distinctiveness, tranquility and to maintain separate identities of settlements.
- d) **Core Strategy Policy CS13 (Biodiversity and Geodiversity)** expects development proposals to take account of impacts on biodiversity and geodiversity, seeking to

ensure that any impacts on biodiversity can be adequately mitigated, and protecting both ecological and geological features.

- e) **Core Strategy Policy CS25 (Presumption in Favour of Sustainable Development)** reiterates the presumption in favour of sustainable development as contained in the 2012 National Planning Policy Framework which was in place at the time of the Core Strategy's adoption and which has been maintained in the current July 2021 iteration. The policy confirms that applications which accord with the Development Plan will be approved without delay, unless material considerations indicate otherwise. Furthermore, where relevant policies are out of date at the time of making the decision, the policy states that permission will be granted unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- f) **Saved Local Plan Policy ST/2 (Limits to Development)** defines the settlement limits to development for various settlements in the Borough, as identified on the associated Proposals Map, and seeks to confine new development to allocated sites and other land within the settlement limits subject to specific exemptions set out elsewhere in the Local Plan. The Application Site is located wholly within the settlement limits defined for Loughborough.

Consideration of these Development Plan policies of most importance to the determination of the Appeal is provided in Paragraphs 4.55 to 4.63 of this Section of the SoC (Planning) in terms of their status and the weight to be afforded to them, with consideration of the Appeal Proposals against these key policies within that context addressed in Section 5.

4.5 Other Development Plan policies of relevance to the determination of the Appeal are considered to comprise:

- a) **Core Strategy Policy CS2 (High Quality Design)** provides a number of criteria to ensure the delivery of high-quality design, including in terms of scale, density, massing, landscape, layout, materials, access and protection of residential amenity.

The Application sought outline planning permission only, with all matters reserved other than for the point of access into the Site, though was supported by a Parameter Plan [CD.2.5] and Illustrative Layout Plan [CD.2.4]. The planning officer's Plans Committee Report [CD.3.1] concluded it was reasonable to expect that, with full details of design, layout and landscaping, the characteristics of the Site could be taken into account to achieve a suitable development in accordance with Core Strategy Policy CS2.

- b) **Core Strategy Policy CS14 (Heritage)** provides that development proposals need to protect heritage assets and their setting, and that proposals which incorporate distinctive local building materials and architectural details will be supported.

The Application was supported by a Built Heritage Statement [CD.2.27], which confirmed the Site includes no designated heritage assets and which acknowledged the presence of a listed building on adjacent land. The planning officer's Plans Committee Report [CD.3.1] confirmed that the Parameter Plan [CD.2.5] suitably demonstrated to the satisfaction of the Council's conservation officer that the Proposed Development could accommodate a suitable buffer that would ensure the scheme would result in less than substantial harm to the listed building on adjacent land and with the ensuing public benefits outweighing that limited heritage harm, thereby

according with Core Strategy Policy CS14.

- c) **Core Strategy Policy CS16 (Sustainable Construction and Energy)** seeks to, inter alia, direct developments to areas at lowest risk of flooding, and to manage surface water run-off such that there is no net increase beyond existing greenfield run-off rates. The policy also looks to protect the Borough's most versatile agricultural land.

The Application was supported by a Flood Risk Assessment and Drainage Strategy [CD.2.23] and the planning officer's Plans Committee Report [CD.3.1] concluded that the Site can be satisfactorily drained and that there would be no unavoidable food risk to future or existing residents, in accordance with Core Strategy Policy CS16. The Plans Committee Report also concluded that the loss of an isolated parcel of Grade 3 agricultural land would not result in a significant adverse impact that would justify refusal of the Application and that the Proposed Development would therefore be in accordance with Core Strategy Policy CS16 in this respect too.

- d) **Core Strategy Core Strategy Policy CS17 (Sustainable Travel)** promotes sustainable travel by siting major developments in locations accessible to key services and facilities. **Core Strategy Policy CS18 (The Local and Strategic Road Network)** seeks to maximise the efficiency of the local highway network by delivering sustainable travel.

The Application was supported by a Transport Statement [CD.2.22] and a Highways General Arrangement Plan [CD.2.8]. The planning officer's Plans Committee Report [CD.3.1] concluded acknowledged that the Application was not the subject of objections from the Local Highway Authority and that the Site is located within the settlement limits of Loughborough, with good access to public transport as well as pedestrian and cycle routes, such that the Proposed Development would not conflict with Core Strategy Policies CS17 and CS18.

- e) **Core Strategy Policy CS24 (Delivering Infrastructure)** seeks to ensure that developments provide appropriate contributions to both on and off-site infrastructure.

The draft SoCG [CD.4.1.1] includes the Heads of Terms of a legal agreement, which seeks to address the numerous infrastructure demands associated with the Proposed Development, as highlighted in consultation responses from statutory consultees during the consideration of the Application. The planning officer's Plans Committee Report [CD.3.1] confirms that these contributions would allow the Proposed Development to be in accordance with Core Strategy Policy CS24.

- f) **Saved Local Plan Policy EV/1 (Design)** seeks to ensure a high standard of design in all new developments, including in terms of the scale, form and function of existing settlements and the open and undeveloped nature of the countryside, its design, layout, scale and massing, its use of materials, the safeguarding off important viewpoints, landmarks and skylines, the imaginative use of landform and existing features in and around the site, and the protection of residential amenity.

As was the case in respect of Core Strategy Policy CS2, as referenced above in (a), the planning officer's Plans Committee Report [CD.3.1] concluded that it was reasonable to expect that, with full details of design, layout and landscaping, the characteristics of the Site could be taken into account to achieve a suitable development in accordance with Saved Local Plan Policy EV/1.

- g) **Saved Local Plan Policy TR/18 (Parking in New Development)** requires suitable off-street parking for vehicles, including cycles, to be included in new developments.

The planning officer's Plans Committee Report [CD.3.1] acknowledged that further detail would need to be provided on parking provision based on the layout and house types proposed at the reserved matters stage but did not consider that the Application would conflict with Saved Local Plan Policy TR/18.

Other Material Considerations

National Documents/Publications

The National Planning Policy Framework (July 2021)

- 4.6 The National Planning Policy Framework (July 2021) ["the NPPF"] sets out the Government's planning policies and explains how these are to be applied and represents an important material consideration. The sections and paragraphs of the NPPF of most importance to the Appeal are set out below.
- 4.7 Paragraph 47 reaffirms the statutory requirement for decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should also be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 4.8 Paragraph 218 of Annex 1 confirms that the policies contained within the NPPF are material considerations to a particular decision or determination. Paragraph 219 confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to them, according to their degree of consistency with the NPPF – the closer the policies in the Plan to the policies in the NPPF, the greater the weight that may be given.
- 4.9 Section 2 of the Framework defines sustainable development, with Paragraph 8 detailing that there are three overarching objectives to achieving sustainable development which are interdependent. These objectives are:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 4.10 Paragraph 9 of Section 2 provides that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 4.11 Paragraphs 10 and 11 of Section 2 state that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means:
- c) Approving development proposals that accord with an up-to-date development plan without delay, or
 - d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.12 Section 5 supports the Government’s objective of significantly boosting the supply of housing. In this respect, Paragraph 60 details that it is important a sufficient amount and variety of land can come forward where it is needed.
- 4.13 Paragraph 65 of Section 5 notes that where major development involving the provision of housing is proposed, planning policies and decision should expect at least 10% of the homes to be available for affordable home ownership.
- 4.14 Paragraph 66 of Section 5 details that strategic policy-making authorities should establish a housing requirement figure for their whole area which shows the extent to which their identified housing need (and any need that cannot be met within neighbouring areas) can be met over the plan period.
- 4.15 Paragraph 68 of Section 5 details that planning policies should identify a supply of specific, deliverable sites for years one to five of the Plan period with an appropriate buffer.
- 4.16 Paragraph 74 of Section 5 seeks to maintain supply and delivery and provides that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need, calculated using the standard method, where the strategic policies are more than five years old.
- 4.17 Section 11 promotes the effective use of land and, in this respect, Paragraph 119 details that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 4.18 Consideration of the extent of compliance of the Development Plan policies of most importance to the determination of the Appeal with the aforementioned Sections 2, 4, 5 and 11 of the NPPF, as referenced above in respect of achieving sustainable development, decision-making, the delivery of a sufficient supply of homes and the effective use of land respectively is included in Paragraphs 4.55 to 4.63 of this Section of the SoC (Planning), and with consideration of the Appeal Proposals in the context of those Sections of the NPPF addressed in Section 5.
- 4.19 Section 8 of the NPPF promotes healthy and safe communities, and requires the planning system to promote social interaction, create places which are safe and accessible, and enable and support healthy lifestyles.
- 4.20 The planning officer's Plans Committee Report [CD.3.1] and Extras Report [CD.3.2] highlight no conflict with Section 8 of the NPPF in its assessment of the Proposed Development, including in terms of its proposed open space provision.
- 4.21 Section 9 of the NPPF supports the promotion of sustainable transport and Paragraph 104 states that transport issues should be considered from the earliest stages of development proposals. Paragraph 110 of Section 9 adds that applications for development should ensure that appropriate opportunities to promote sustainable transport can be, or have been, taken up, that safe suitable access to the site can be achieved for all users and, that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.
- 4.22 Paragraph 111 of Section 9 details that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 4.23 Paragraph 112 of Section 9 adds that development should give priority first to pedestrian and cycle movement, and second, to facilitating access to high quality public transport services. Development should also address the needs of people with disabilities, allow for the efficient delivery of goods and access by service and emergency vehicles.
- 4.24 The planning officer's Plans Committee Report [CD.3.1] and Extras Report [CD.3.2] highlight no conflict between the Proposed Development and Section 9 of the NPPF, including in terms of its impacts on highway safety or the residual cumulative impacts on the road network not being severe
- 4.25 Section 12 of the NPPF refers to achieving well-designed places and notes that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. In this respect, Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.26 Paragraph 130 of Section 12 states that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 4.27 The planning officer's Plans Committee Report [CD.3.1] acknowledged that the Application sought outline planning permission and concluded it was reasonable to expect that, with full details of design, layout and landscaping, the characteristics of the Site could be taken into account to achieve a suitable development in accordance with Section 12 of the NPPF.
- 4.28 Section 14 of the NPPF refers to meeting the challenge of climate change, flooding and coastal change and, in this respect, Paragraph 167 of Section 14 details that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that applications should be supported by a site-specific flood-risk assessment, where appropriate. Paragraph 169 provides that applications for major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
- 4.29 The planning officer's Plans Committee Report [CD.3.1] highlighted no conflict with Section 14 of the NPPF in its assessment of the Proposed Development, including in terms of flood risk and drainage.
- 4.30 Section 15 of the NPPF refers to conserving and enhancing the natural environment, with Paragraph 174 stating this should be by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.31 Paragraph 180 of Section 15 seeks to protect and enhance biodiversity and geodiversity by stating that local planning authorities should apply the following principles when determining applications:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

4.32 Paragraph 183 of Section 15 states that planning policies and decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.

4.33 Paragraph 185 of Section 15 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

4.34 Assessment of the impacts of the Proposed Development on landscape and biodiversity are included in the SoC (Landscape) [CD.4.2.2] and SoC (Biodiversity) [CD.4.2.3] and are also summarised from a planning perspective in Section 5 of this SoC (Planning). It is also the case that the planning officer's Plans Committee Report [CD.3.1] and Extras Report [CD.3.2] concluded that, whilst public objections were received to the Application in relation to landscape and ecological impacts, these were not supported by statutory consultees and that

the issues raised were not considered to justify its refusal, particularly as control remains to ensure a policy-compliant development through subsequent reserved matters submissions.

- 4.35 Section 16 seeks to conserve and enhance the historic environment. Paragraphs 190 to 196 state that when considering the impact of a proposed development on the significance or setting of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 4.36 The planning officer's Plans Committee Report [CD.3.1] confirmed the Parameter Plan [CD.2.5] suitably demonstrated to the satisfaction of the Council's conservation officer that the Proposed Development could accommodate a suitable buffer that would ensure the scheme would result in less than substantial harm to the listed building on adjacent land and with the ensuing public benefits outweighing that limited heritage harm, thereby according with Section 16 of the NPPF.

Other National Documents/Publications

- 4.37 The Appellant will refer to the following other national documents as required during the Hearing:
- The Conservation of Habitat and Species Regulations (2010) (as amended);
 - The Planning (Listed Buildings and Conservation Areas Act) 1990;
 - Natural England Standing Advice – Ancient Woodland and Veteran Trees (14.01.2022);
 - MHCLG's National Design Guide (updated January 2021);
 - The Landscape Institute/IEEMA's Guidelines for Landscape and Visual Impact Assessment – Third Edition (April 2013).

Local Documents/Publications

The Emerging Local Plan 2021-37

- 4.38 The emerging Local Plan 2021-37 (Pre-Submission Version) ["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.
- 4.39 The Draft Local Plan [CD.6.3] 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. The policies of the Draft Local Plan of most importance to the determination of the Appeal are considered below.
- a) **Strategic Draft Local Plan Policy DS1 (Development Strategy)** outlines a housing requirement for the Borough of 17,776no. homes across the Plan period of 2021 to 2037, with provision made for at least 19,461no. homes being made. The overall spatial strategy is one of urban concentration and with Loughborough defined as an Urban Centre – a second tier settlement behind only Leicester Urban Area - which will accommodate 31% of the housing requirement, amounting to 6,073no. dwellings. The policy makes reference to new housing being supported within settlement limits and allocations – the Appeal Site being excluded from Loughborough's settlement

limits and not being an allocation. The policy is supportive of sustainable development that protects the intrinsic character of the countryside; conserves and enhances the built and natural environment and safeguards and delivers a net gain in biodiversity; and is located in areas of least environmental or amenity value. The policy states that, where 5-year supply of deliverable housing land cannot be demonstrated, proposals for development should only be refused where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, in which circumstances, proposals will only likely be permitted where all of the following criteria apply:

- i. Accords with the pattern of development set out in the table to the policy;
 - ii. Adjoins the defined settlement limits;
 - iii. Does not prejudice the delivery of defined infrastructure; and
 - iv. Accords with other policies of the Plan.
- b) **Strategic Draft Local Plan Policy DS2 (Leicester & Leicestershire Unmet Needs)** seeks to defer a review into the apportionment of unmet housing and employment need from Leicester City to be met within the Borough until after the adoption of the Draft Local Plan. However, the Council's position in this respect changed during the Local Plan Examination, which has resulted in a significant delay to the Examination programme – see below.
- c) **Strategic Draft Local Plan Policy LUC1 (Loughborough Urban Centre)** is supportive of Loughborough Urban Centre as the main economic, social and cultural heart of the Borough. The policy is supportive of development which, inter alia, delivers sustainable development in accordance with the pattern of development outline in Policy DS1 and which includes making effective use of land and which provides urban form which integrates with the wider landscape setting in accordance with Policy EV1.
- d) **Strategic Draft Local Plan Policy H4 (Affordable Housing)** seeks 30% affordable housing from all major housing developments on greenfield sites.
- e) **Strategic Draft Local Plan Policy EV1 (Landscape)** seeks to carefully manage development to protect the Borough's distinctive landscape by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness and requiring new development to maintain the separate identities of the Borough's towns and villages.
- f) **Strategic Draft Local Plan Policy EV6 (Conserving and Enhancing Biodiversity and Geodiversity)** seeks to ensure that biodiversity, ecological networks and geodiversity interests are protected, restored, enhanced and resilient by supporting development that, inter alia, protects and enhances national and local priority habitats and species; protects and enhances irreplaceable habitats including trees, veteran trees and ancient woodland; protects and enhances biodiversity networks, including strategically important links in the wildlife network between the most valuable habitats; supports nature recovery particularly in areas which have protected species and priority habitats; protects features of geodiversity value and enhances their interpretation; and ensures biodiversity and geodiversity are maintained during construction. The policy provides that development proposals should achieve a 10% net gain on-site in the first instance or through biodiversity offsetting, where appropriate.

4.40 Examination hearing sessions for the Draft Local Plan 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], within the Examination process. As this represented a significant change in circumstances compared with the submitted Draft Local 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.

- 4.41 The Examination Inspectors subsequently confirmed in a letter dated 8th July 2022 [CD.5.1.7] that further consultation should be undertaken in August/September 2022 and with the Examination hearing sessions potentially recommencing in October 2022. The Council is currently consulting on the Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) [CD.5.1.12] and its associated evidence base and sustainability appraisal until 26th September 2022, following which dedicated hearing sessions will be convened for 25th and 26th October 2022.
- 4.42 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. At this point, the Draft Local Plan remains the subject of unresolved objections to the extent of its housing requirement and has not completed the Examination process. With the previously scheduled and postponed hearing sessions commenced in June 2022 now unlikely to reconvene until Q1 of 2023, the timescales associated with the Examination of the Draft Local Plan have become significantly protracted and it can therefore be afforded only limited weight in the consideration of the Appeal.

Other Relevant Local Documents

- 4.43 The Appellant will refer to the following other relevant local documents as required during the Hearing:
- 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 ["HENA"] (June 2022) [CD.5.1.10];
 - 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) [CD.5.2.5];
- The Council’s Landscape Character Assessment (July 2012) [CD.5.2.6];
- The Council’s Design SPD (January 2020) [CD.6.7];
- The Council’s Housing SPD (updated December 2017) [CD.6.8];
- The Council’s Biodiversity Planning Guidance (June 2022) [CD.5.3.2].

Appeal Decisions in Charnwood Borough

- 4.44 The Appellant will refer to other appeal decisions where relevant in the Hearing, including recent appeals in Charnwood Borough relating to the development of up to 170no. dwellings on land east of Cossington Road, Sileby (PINS ref: APP/X2410/W/21/3287864), which was allowed on 13th June 2022 [CD.7.1]; an appeal relating to the development of 63no. dwellings on land at Maplewood Road, Woodhouse Eaves (PINS ref: APP/X2410/W/21/3271340), which was allowed on 4th October 2021 [CD.7.2]; and an appeal relating to the development of up to 70no. dwellings on land off Melton Road, Burton-on-the-Wolds (PINS ref: APP/X2410/W/20/3264488), which was allowed on 24th June 2021 [CD.7.3].

The Nation’s Housing Crisis and Charnwood’s Five-Year Housing Land Supply [“5 YHLS”]

- 4.45 The ‘Housing White Paper: Fixing Our Broken Housing Market’ (February 2017) [CD.5.1.1] makes clear that this country is in a housing crisis now. The Prime Minister’s Foreword to the Housing White Paper is unequivocal:

“Our broken housing market is one of the greatest barriers to progress in Britain today... The starting point is to build more homes...we need to build many more houses, of the type people want to live in, in the places they want to live. To do so requires a comprehensive approach that tackles failure at every point in the system”.

- 4.46 The Secretary of State’s Foreword goes on to state:

“This country doesn’t have enough homes. That’s not a personal opinion or a political calculation. It’s a simple statement of fact.

For decades the pace of house building has been sluggish at best. As a result, the number of new homes has not kept pace with a growing population. And that, in turn, has created a market which fails to work for far too many people.

That has to change. We need radical, lasting reform that will get more built right now and for many years to come.”

- 4.47 More recently, the Government published the Commons Library Research Briefing Paper titled ‘Tackling the Under-Supply of Housing’ [“the Paper”] [CD.5.1.2]. The Paper re-affirms the Government’s ambitions for new housing supply, in working towards a target of 300,000 homes per year by the mid-2020s. The Paper adds to this by stating that according to one estimate, commissioned by the National Housing Federation and Crisis from Heriot-Watt University, around 340,000 new homes need to be supplied in England each year, of which

145,000 should be affordable. This emphasises that the scale of the housing crisis is such that it may exceed the Government's own ambitions.

- 4.48 Notwithstanding the scale of the housing crisis, the Paper confirms that new housing supply is currently substantially lower than the Government's ambition of 300,000 homes per year. Indeed, in 2020/21 only 216,000 new homes were supplied, which is lower than the 243,000 homes provided in 2019/20, which itself is significantly lower than the Government's target.
- 4.49 Given this level of supply across the county in recent years, there remains an urgent need to increase the supply of housing if the Government's target is to be met.
- 4.50 In the case of Charnwood Borough Council, the Core Strategy and Saved Policies of the Local Plan are now more than five years old. The most up-to-date published figure endorsed by the Council and set out in its Five Year Supply Table [CD.5.1.3] acknowledges that it can demonstrate only a 3.04-year supply of deliverable housing land as at 1st April 2022 – this based on a local housing need calculated using the Standard Method (namely 1,111no. dwellings per annum and also excluding any unmet need from Leicester City under the Duty to Co-operate). Furthermore, the requirement to demonstrate a 5 YHLS is a minimum and not a ceiling beyond which sustainable development should be resisted in principle.
- 4.51 The extent of the Council's shortfall in the housing land supply is significant and is derived from a failure to deliver a sufficient supply over a number of years. Indeed, as identified in its Annual Monitoring Report ["AMR"] 2018 – 2019 (December 2019) [CD.5.1.4], the Council was last able to demonstrate a 5 YHLS in March 2019. Since that time, the Council's supply has consistently reduced from a 4.10-year supply in March 2020 (as per AMR 2019 – 2020) [CD.5.1.5] to a 3.34-year supply in March 2021 (as per AMR 2020 – 2021 [CD.5.1.6] and to a 3.04-year supply in April 2022 [CD.5.1.3].
- 4.52 The table below demonstrates the decline in the Council's Housing Land Supply since 2015 – 2016 and with this strengthening the level of weight to be given to proposals for residential development:

Annual Monitoring Report (AMR)	Housing Land Supply
AMR 2015 – 2016	5.93 years
AMR 2016 – 2017	4.68 years
AMR 2017 – 2018	5.93 years
AMR 2018 – 2019	6.41 years
AMR 2019 – 2020	4.10 years
AMR 2020 – 2021	3.34 years
5 YHLS Table 1 st April 2022	3.04 years

- 4.53 Whilst the application of the Housing Delivery Test shows housing delivery in a more favourable light (2018: 123%, 2019: 132%, 2020: 135% and 2021: 145%), it should be noted that these previous calculations were based on the now out-of-date housing requirements of the Core Strategy, namely 820no. dwellings/year. In this context, for example, the most recent calculation of 145% in 2021 would reduce to 66.75% if based on the up-to-date local housing need of 1,111no. dwellings/year. Ultimately, however, the Council's Housing Delivery Test calculations do not alter the fact that the Council cannot demonstrate a 5 YHLS and with this being a material consideration of significant weight.
- 4.54 A key impact of the Council's significant shortfall in housing land supply is that there is also significant shortfall in its supply of affordable housing - this being recognised at Paragraph

2.10 of the Draft Local Plan [CD.6.3], which states, inter-alia, that:

“ . . . Our evidence shows that provision of new affordable housing is an important and pressing issue in the Borough . . . ”

The Draft Local Plan confirms that there is an identified need for 476no. affordable homes to rent per annum, which has increased by over 21.43% from 392no. dwellings identified in the 2017 HEDNA [CD.5.1.17]. This need equates to 42.84% of the current total annual housing need of the Borough, excluding that associated with meeting the unmet need of Leicester City.

Assessment of Status and Weight of the Most Important Policies of the Development Plan

- 4.55 An assessment of the Development Plan policies considered the most important in the consideration of the Appeal is included below, in respect of their consistency with the NPPF and the weight that can be afforded to them in the consideration of the Appeal Proposals.
- 4.56 The Core Strategy, as adopted in November 2015, is over 5 years old and therefore requires review. The housing requirement within the Core Strategy is based on the Leicester & Leicestershire Strategic Housing Market Assessment (June 2014) [CD.5.1.8], which is out of date, being over 5 years old itself. Furthermore, the Local Plan, as adopted in January 2004, covered the period up to 2006. Both the preparation of the Plan and the saving of selected policies in September 2007 pre-dated the publication of even the initial iteration of the NPPF in March 2012.
- 4.57 Core Strategy Policies CS1 (Development Strategy), CS3 (Strategic Housing Needs), CS11 (Landscape and Countryside), CS13 (Biodiversity and Geodiversity) and CS25 (Presumption in Favour of Sustainable Development) and Saved Local Plan Policy ST/2 (Limits to Development) are the most important Development Plan policies in the consideration of the Appeal. Given the Council cannot demonstrate a 5 YHLS, these policies are therefore all out-of-date in the context of Footnote 8 to NPPF Paragraph 11 (d).
- 4.58 Core Strategy Policy CS1 is not referenced within the Council’s RfR and remains broadly consistent with the over-arching objectives of sustainable development as defined in NPPF Paragraph 8 insofar as it sets out a settlement hierarchy and seeks to direct the majority of new development to the most sustainable locations. This policy can be afforded significant weight in the consideration of the Appeal, despite being out-of-date.
- 4.59 Saved Local Plan Policy ST/2 is not referenced within the Council’s RfR and the Appeal Site is located wholly within the settlement limits of Loughborough prescribed by the policy.
- 4.60 Core Strategy Policy CS3 is not referenced within the Council’s RfR and remains broadly consistent with NPPF Paragraph 62 by seeking an appropriate mix of types, tenures and sizes of homes having regard to identified housing need; and also with NPPF Paragraph 65 in seeking to deliver at least 10% (30%) of the total number of homes to be available for affordable home ownership. This policy can be afforded significant weight in the consideration of the Appeal, despite being out-of-date.
- 4.61 Core Strategy Policy CS11 is broadly consistent with NPPF Paragraph 174 insofar as it requires new developments to protect landscape character, albeit with NPPF Paragraph 174 (a) referring specifically to protection and enhancement of ‘valued’ landscapes and with the Appeal Site not constituting a valued landscape. This policy can be afforded significant weight in the consideration of the Appeal despite being out-of-date.

- 4.62 Core Strategy Policy CS13 is broadly consistent with NPPF Paragraphs 174 and 180 insofar as it seeks to minimise impacts from new developments on biodiversity. This policy can be afforded significant weight in the consideration of the Appeal despite being out-of-date.
- 4.63 Core Strategy Policy CS25 is not referenced within the Council's RfR and is broadly consistent with NPPF Paragraph 11 insofar as its sets out a presumption in favour of sustainable development. This policy can be afforded significant weight in the consideration of the Appeal despite being out-of-date.

SECTION 5: The Case in Support of the Appeal

- 5.1 A draft SoCG [CD.4.1.1] has been submitted as part of the Appeal to help narrow down the issues that are likely to remain in dispute. The Appellant is seeking to agree through the SoCG that the technical documentation submitted with the Application is accepted as being robust and with the relevant level of information in a sufficient level of detail to provide the basis for the Inspector's consideration of the Appeal.
- 5.2 It is anticipated that the final agreed and signed SoCG will record that the Appellant and the Council agree on the following headline issues, as was the case in the planning officer's Plans Committee Report [CD.3.1] and Plans Committee Extras Report [CD.3.2] though with these matters to be addressed as necessary during the Hearing if this proves to not be the case:
- a) Format of Application and supporting technical documentation;
 - b) Development Plan designations;
 - c) Facilities and accessibility;
 - d) Principle of development (including illustrative housing mix);
 - e) Open space;
 - f) Heritage and archaeology;
 - g) Impact on residential amenity;
 - h) Highway matters/Accessibility;
 - i) Flood risk and drainage;
 - j) Loss of agricultural land;
 - k) Contamination and ground conditions;
 - l) Air quality;
 - m) Planning obligations;
 - n) Benefits of the Proposed Development.
- 5.3 In addition to the above matters, certain elements of matters relating to impacts on landscape and biodiversity are anticipated to be agreed in the SoCG, though clearly not fully, given the Council's two RfR of the Application in these respects. As referred to in Section 1 of this SoC (Planning), landscape and biodiversity-related matters pertaining to the Appeal are addressed within the separately-bound SoC (Landscape) [CD.4.2.2] and SoC (Biodiversity) [CD.4.2.3] respectively.
- 5.4 The Appellant reserves the right to address any further issues in the Hearing that are not agreed by the Council as currently drafted in the SoCG.

The Main Issues

- 5.5 Based on the two RfR of the Application, the Appellant anticipates that the main issues for the Appeal will be as follows:
- **Issue 1 (The Suitability of the Location for the Appeal Proposals):** Whether the Proposed Development would be in a suitable location having regard to the Development Plan and other material considerations;
 - **Issue 2 (Impact of the Appeal Proposals on Landscape Character):** The impact of the Proposed Development on landscape character;

- **Issue 3 (Impact of the Appeal Proposals on Biodiversity):** The impact of the Proposed Development on biodiversity;
- **Issue 4 (Conflict with the Development Plan/Harm and Benefits of the Proposed Development):** Whether or not any conflict with the Development Plan and harm arising is outweighed by other considerations.

These main issues are addressed below.

Issue 1 (The Suitability of the Location for the Appeal Proposals)

- 5.6 The Site is located wholly within the settlement limits of Loughborough as defined by Saved Local Plan Policy ST/2 (Limits to Development) and is surrounded by residential development on three of its sides. The development of the Site with the Appeal Proposals will ensure the new housing will sensibly relate to the existing pattern of the settlement and help to ensure that development needs are met without unwarranted harm to the countryside and other rural interests, in accordance with the policy.
- 5.7 A key driver behind Policy CS1 (Development Strategy) is the need to create sustainable communities by focusing development on places best equipped to accommodate it. Accordingly, the policy seeks to encourage new residential development within the confines of Loughborough, as it is the largest settlement in the Borough, with good access to jobs, services and facilities and public transport. The policy's target housing requirements of 13,940no. new dwellings to be delivered in the Borough across the Plan period, of which 5,000no. are to be delivered in Loughborough and Shepshed, are not ceilings and are therefore expressed as minimum figures.
- 5.8 The Site is not the subject of any specific designations or constraints which would prevent the principle of the Appeal Proposals from being acceptable in planning terms. The Site has no particular landscape designations, it is not within an area at high risk of flooding, it is not within a conservation area and there are no known issues of contamination. The Proposed Development represents an effective use of the Site which is currently in agricultural use with no public access and no recreation value. The Site is therefore considered to constitute a suitable and sustainable location for the Appeal Proposals and one which accords with the principle of Core Strategy Policy CS1 and its development strategy.
- 5.9 Subject to the Appeal Proposals being in accordance with other relevant Development Plan policies, therefore, the Site is considered to represent a suitable location for new housing and one which therefore accords with and does not conflict with the relevant policies of the Development Plan in this context, namely Saved Local Plan Policy ST/2 and Core Strategy Policy CS1. In this respect, it is anticipated the Council will agree in the SoCG that, based on the planning officer's Plan's Committee Report [CD.3.1] and Extras Report [CD.3.2], it considers there to be no conflict with policies of the Development Plan other than with Core Strategy Policies CS11 and CS13 in respect of landscape and biodiversity-related impacts respectively. These two matters are addressed in the SoC (Landscape) [CD.4.2.2] and SoC (Biodiversity) [CD.4.2.3] and are summarised later in this Section under the headings of Issues 2 and 3 respectively.
- 5.10 In terms of compliance with the NPPF, the Appeal Site represents a sustainable location for new residential development in line with the principles of sustainable development and the effective use of land as cited in NPPF Paragraphs 8 and 119 respectively.

- 5.11 As highlighted in Paragraphs 4.40 to 4.42 of this SoC (Planning), the Draft Local Plan has only limited weight in the consideration of the Appeal.

Issue 2 (Impact of the Appeal Proposals on Landscape Character)

- 5.12 RfR 1 alleges the Proposed Development would fail to protect and enhance the unique landscape character of the Appeal Site and the surrounding area, such that it would be contrary to Core Strategy Policy CS11 (Landscape and Countryside) and NPPF Paragraph 174 and should consequently be refused outline planning permission.
- 5.13 The only criterion of Core Strategy Policy CS11 that has any relevance to the consideration of the Appeal Proposals is the first, which seeks to support and protect the character of landscapes and countryside by requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local landscape character assessments. The preamble to the policy states in Paragraph 7.7 that countryside is defined as “. . . **the largely undeveloped area beyond the defined limits of our villages and towns.**” The Appeal Site is located within the settlement limits of Loughborough as defined in the Development Plan and therefore does not form countryside for the purposes of the policy.
- 5.14 Criterion (a) of NPPF Paragraph 174 seeks to enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. However, the landscape of the Site is not considered as ‘valued’ against the policy of the NPPF and cannot be regarded as highly valuable when considered against the criteria set out in Box 5.1 of the GLVIA [CD.5.2.7]. The Site has also not met the Council’s own requirements for Local Green Space designation, as reported in the Council’s Local Green Space Assessment of May 2021 [CD.5.2.2].
- 5.15 An assessment of the Appeal Proposals in the context of RfR 1 is included in the SoC (Landscape) [CD.4.2.2].
- 5.16 The SoC (Landscape) assesses the Site to have a low to medium landscape sensitivity, which is supported through the Council’s own evidence base. Its detailed analysis of the Proposed Development and its potential impacts on the landscape character of the Site and the surrounding area finds that this is not a remarkable site and that it makes very limited contribution to the character of the surrounding areas and the appearance of the settlement. Rather, it is a piece of land left over because of previous developments and, although it has some pleasant features and value is attributed to it by local residents, it is in private ownership with no public access and therefore has no recreational value and the panoramic views alleged by the Council to be available from within the Site are not for consideration in this Appeal in terms of visual impact.
- 5.17 The SoC (Landscape) finds that, on balance, when considering the adverse effects and the benefits and enhancements from a landscape perspective, the magnitude of change is medium and, when considering a low – medium sensitivity, results in a moderate, not significant impact on the Site which diminishes to minimal beyond the site boundaries.
- 5.18 The Appellant has agreed with the Council’s planning case-officer, Mark Pickrell [CD.8.36 and CD.8.37], that verifiable rendered montage views from within the adjacent residential area and the PRoW in countryside to the south will be submitted with the Appeal – these being Viewpoints 2/6 and 11/12 respectively as referenced in the LVIA [CD.2.12] that accompanied

the Application. The Verified Views are included in Appendix A of the SoC (Landscape) [CD.4.2.2].

- 5.19 The Verified Views clearly demonstrate that, from within the surrounding streetscape, the Proposed Development will not be a prominent part of the views and is contiguous with the existing residential dwellings. From the PRoWs to the south, views are limited and, where available, the Proposed Development will be set within a wider panoramic appreciation of the built features of Loughborough and the Soar Valley. The Proposed Development does not break the skyline or dilute these panoramic views. The Verified Views therefore demonstrate that the visual impact of the Proposed Development will be limited to the neighbours directly adjacent to the Site and will not have an adverse impact on the wider surrounding landscape and countryside.
- 5.20 The Appeal Proposals are therefore in accordance with the first criterion of Core Strategy Policy CS11 as they will have only a limited impact on landscape character, which will not be significant. The other criteria of the policy are not relevant to the Site and/or the Proposed Development.
- 5.21 The Appeal Proposals do not conflict with NPPF Paragraph 174 (a), as the Site is not considered a 'valued' landscape. The other criteria of the paragraph are not relevant to landscape-related considerations for the Site and/or the Proposed Development.

Issue 3 (Impact of the Appeal Proposals on Biodiversity)

- 5.22 RfR 2 relates to whether the proposal results in significant adverse biodiversity impacts that would be contrary to Policy CS13 (Biodiversity and Geodiversity) of the Core Strategy and NPPF Paragraphs 174 and 180.
- 5.23 Core Strategy Policy CS13 seeks to conserve and enhance the natural environment by supporting developments that protect biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The policy expects development proposals to consider and take account of the impacts on, inter alia, Local Wildlife Sites and priority habitats and species and with adequate mitigation/compensation that is likely to result in net gains, with development proposals to be accompanied by ecological surveys and an assessment of the impacts on biodiversity. The policy does not include a specific percentage target for such net gains, however.
- 5.24 Criterion (a) of NPPF Paragraph 174 seeks to enhance the natural and local environment by protecting, inter alia, sites of biodiversity or geological value and soils; and criterion (d) seeks to minimise impacts on and provide net gains for biodiversity.
- 5.25 Criterion (a) of NPPF Policy 180 provides that developments resulting in significant harm to biodiversity should be refused if their impacts cannot be avoided or suitably mitigated. Criterion (c) provides that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Criterion (d) provides that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
- 5.26 The Site includes no specific ecological or biodiversity designations, though lies adjacent to Burleigh Wood, which is an Ancient Woodland and a Local Wildlife Site ["LWS"].

- 5.27 Natural England released new standing advice in January 2022 in relation to Ancient Woodlands and Veteran Trees [CD.5.3.1]. The standing advice states that the buffer zone adjacent to the edge of an Ancient Woodland should be at least 15m from the boundary of the woodland to avoid root damage. The advice goes on to discuss appropriate planting types in the buffer zone, stating that planting should consist of semi-natural habitats such as woodland; a mix of scrub, grassland, heathland and wetland and that local and appropriate native species should be specified. It further states that public access can be allowed within a buffer zone if habitats are not harmed by trampling. The Illustrative Layout Plan [CD.2.4] and Landscape Masterplan [CD.2.7] supporting the Application as determined provides for a buffer zone that satisfies and exceeds the new standing advice of Natural England.
- 5.28 The Application was supported by Ecological Impact Assessments and Biodiversity Impact Assessments ["BIA"] for the Site. An assessment of the Appeal Proposals in the context of RfR 2 is included in the SoC (Biodiversity) [CD.4.2.3], which includes an updated Ecological Appraisal in its Appendix 1 and an updated BIA in its Appendix 2.
- 5.29 During consideration of the Application, the Council's ecologist accepted an updated Ecological Impact Assessment [CD.2.19] as providing a satisfactory assessment of the Appeal Site and accepted an updated Biodiversity Impact Assessment ["BIA"] [CD.2.21, CD.8.18 and CD.8.25] as providing a suitable assessment of its baseline biodiversity value, raising no objections to the Proposed Development, subject to conditions and a legal agreement to secure potential for off-site contributions, if needed, to ensure a biodiversity net gain is achieved through any future application for reserved matters consent.
- 5.30 Since the determination of the Application by the Council, and with the publication of DEFRA Biodiversity Metric 3.1, the Appellant has updated its ecological assessments and, presents an updated metric and a detailed Biodiversity Net Gain strategy, which, in addition to on-site biodiversity measures, involves a managed off-site biodiversity offsetting scheme. Full details of this off-site offsetting scheme are presented in the SoC (Biodiversity) [CD.4.2.3] and its appendices and it is hoped will be a matter of agreement with the Council. The Appellant has secured the required land in this respect, which will deliver a significant net gain of 46.9% habitats and 117.6% hedgerows. The land secured off-site to facilitate this is local to the Appeal Site and will be managed for biodiversity benefit, with a management plan entered into between the Appellant and the landowner, to be secured by a legal agreement and managed as grassland and scrub for the next 30 years. The plan period will commence once a reserved matters permission has been granted.
- 5.31 Management of the on and off-site offsetting land will be carried out by a management company appointed by the Appellant and monitoring surveys will be completed during the management plan period. A monitoring report will be provided to the Council every 5 years and, if required, the management plan will be reviewed and updated on this rotation also.
- 5.32 The Appeal Proposals are therefore in accordance with Core Strategy Policy CS13 as they help to protect biodiversity and will not result in the loss of ecological feature of significance. The Proposed Development will include a significant landscape buffer to the adjacent ancient woodland and will also help to deliver a scheme of on and off-site habitat creation to deliver significant biodiversity net gains.
- 5.33 The Appeal Proposals are in accordance with criteria (a) and (d) of NPPF Paragraph 174 as they help to protect biodiversity, minimise impacts on and provide net gains for biodiversity respectively. The other criteria of the paragraph are not relevant to biodiversity-related considerations for the Site and/or the Proposed Development.

- 5.34 The Appeal Proposals are in accordance with Criteria (a), (c) and (d) of NPPF Policy 180 as they do not result in harm to biodiversity that cannot be suitably mitigated; do not result in loss or deterioration of irreplaceable habitats; and provide opportunities to improve biodiversity and secure significant measurable net gains.

Issue 4 (Conflict with the Development Plan/Harm and Benefits of the Appeal Proposals)

- 5.35 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.36 The Core Strategy and Saved Policies of the Local Plan are now more than 5 years old and require review.
- 5.37 The Council is unable to demonstrate at least a 5 YHLS as required by NPPF Paragraph 74, and can only demonstrate only a 3.04 YHLS as of 1st April 2022.
- 5.38 As a consequence, the tilted balance of NPPF Paragraph 11 (d) is applicable, with this stating that where there are no relevant policies, or the policies which are most important for determining the application are out-of-date (including where a 5 YHLS cannot be demonstrated), planning permission should be granted unless one of two exceptions apply.
- 5.39 The first of these exceptions, relating to policies of the NPPF which protect areas or assets of particular importance, is not applicable to the Appeal, as there are no areas or assets of particular importance affected by the Proposed Development – this also being confirmed in the SoCs for Landscape [CD.4.2.2] and Biodiversity [CD.4.2.3].
- 5.40 The second exception states that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Conflict with the Development Plan

- 5.41 As concluded under the heading of Issue 1 in Paragraphs 5.6 to 5.11 of this SoC (Planning), the principle of the Site being developed with the Appeal Proposals is wholly in accordance with Saved Local Plan Policy ST/2 and Core Strategy Policy CS1, subject to the Proposed Development being in accordance with the other relevant Development Plan policies.
- 5.42 The Appeal Proposals include the provision of 30% of the proposed dwellings as affordable homes (to be secured via a legal agreement) as required by Core Strategy Policy CS3, and with the mix of housetypes, tenures and sizes of all dwellings to be determined at the reserved matters stage. There is therefore no conflict with this policy.
- 5.43 As set out in the SoC (Landscape) [CD.4.2.2], the Appeal Proposals are considered to be in accordance with the first criterion of Core Strategy Policy CS11 as they will have only a limited impact on landscape character, which would not be significant, and with the other criteria of the policy not being relevant to the Site and/or the Proposed Development. There is therefore no conflict with this policy.
- 5.44 As set out in the SoC (Biodiversity) [CD.4.2.3], the Appeal Proposals are in accordance with Core Strategy Policy CS13 as they help to protect biodiversity and will not result in the loss of

ecological feature of significance. The Proposed Development will include a significant landscape buffer to the adjacent ancient woodland and will also help to deliver a scheme of on and off-site habitat creation to deliver significant biodiversity net gains. There is therefore no conflict with this policy.

- 5.45 The Proposed Development is therefore in accordance with the Development Plan policies of most importance to the Appeal, namely Core Strategy Policies CS1, CS11 and CS13 and Saved Local Plan Policy ST/2, as well as Core Strategy Policy CS25, which promotes a presumption in favour of sustainable development.
- 5.46 It is anticipated that the final agreed and signed SoCG will record that the Council agrees the Appeal Proposals do not conflict with any other policy of the Development Plan, in line with the planning officer's Plans Committee Report [CD.3.1] and Extras Report [CD.3.2].

Harms Arising from the Appeal Proposals

- 5.47 As stated on Page A27 of the planning officer's Plan's Committee Report [CD.3.1], the Application was the subject of no objections from statutory consultees with regard to the technical details of the scheme. That Report, in addition to the Extras Report [CD.3.2], did not find that the Application should be refused on grounds relating to landscape character and visual impact, ecology and biodiversity, open space, heritage and archaeology, residential amenity, housing mix, highway matters, flooding and drainage, loss of agricultural land, or infrastructure.
- 5.48 Whilst the Council's Plans Committee ultimately chose to refuse the Application, contrary to the recommendation of its planning officer, the refusal was based on impacts on landscape character and biodiversity alone, with reference made in its two RfR to only Core Strategy Policies CS11 (and NPPF Paragraph 174) and CS13 (and NPPF Paragraphs 174 and 180) respectively.
- 5.49 As demonstrated by the lack of technical objections to the Application, the Proposed Development will result in no harms that cannot be suitably mitigated sufficient to warrant the dismissal of the Appeal.

Benefits of the Appeal Proposals

- 5.50 The benefits arising from the Appeal Proposals and the weight to be afforded to each of these is provided below for the purposes of applying the overall planning balance.

Social Benefits

- 5.51 The Appeal Proposals will result in a broad mix of housing types, sizes and tenures for both market and affordable housing to help meet current and future housing needs within the Borough. The Appeal Site is available and the Appeal Proposals are capable of being fully delivered within the current 5-year period and therefore make a meaningful contribution towards the significant existing shortfall. The principle of new residential development on a greenfield site in Loughborough is given significant positive weight in the planning officer's Plans Committee Report [CD.3.1].
- 5.52 The Appeal Proposals will deliver up to 30no. dwellings, including 21no. market dwellings at a time when the Council continues to be unable to demonstrate a 5 YHLS – its latest position amounting to only a 3.04 YHLS as of 1st April 2022. This is considered to constitute a **social**

benefit of very significant positive weight. By way of context, the Inspectors in the recent Siteby [CD.7.1], Woodhouse Eaves [CD.7.2] and Burton-on-the-Wolds [CD.7.3] appeals afforded 'significant', 'great' and 'very substantial' weight respectively to the delivery of new housing in Charnwood, at points in time when the Council's shortfall in its 5 YHLS was not as pronounced as it is at present.

- 5.53 The Appeal Proposals will deliver a policy-compliant level of affordable housing within the Borough, namely 30% of the total yield amounting to 9no. affordable houses, which continues to demonstrate significant levels of unmet need, as acknowledged in the Draft Local Plan [CD.6.3] and its evidence base, as explained in Paragraph 4.54 of this SoC (Planning). This is considered to constitute a **social benefit of very significant positive weight.** By way of context, the Inspectors in the Siteby [CD.7.1], Woodhouse Eaves [CD.7.2], and Burton-on-the-Wolds [CD.7.3] appeals afforded 'significant', 'significant' and 'very substantial' weight respectively to the delivery of new affordable housing.
- 5.54 The Appeal Proposals will result in the creation and maintenance of publicly accessible natural green space and landscaping on the Site, which is currently private and which currently has no public access or recreation value. This will be accessible to existing residents within Nanpantan as well as future occupants of the proposed housing. This is considered to constitute a **social benefit of moderate positive weight.**
- 5.55 The Appeal Proposals will result in the delivery of new family housing within walking distance of primary and secondary schools with a current surplus of places. This is considered to constitute a **social benefit of moderate positive weight.**

Economic Benefits

- 5.56 The Appeal Proposals will help to meet economic objectives through job creation during the construction phase of the development, with other indirect jobs also being created as a result, including in terms of contractors and suppliers.
- 5.57 Once completed the additional population generated by the Appeal Proposals will help to support existing shops and facilities in the locality, helping to ensure their viability and helping to indirectly create new employment opportunities in the retail and leisure services.
- 5.58 The Appeal Proposals will also result in the generation of increased Council Tax receipts and New Homes Bonus payments for the Council.
- 5.59 The Appeal Proposals are therefore considered to constitute **economic benefits of moderate positive weight.** By way of context, the Inspectors in the Siteby [CD.7.1] and Woodhouse Eaves [CD.7.2] appeals afforded 'moderate' weight to such economic benefits.

Environmental Benefits

- 5.60 The Appeal Site is in a sustainable location, with good access to local services and facilities and with good public transport linkages, therefore reducing the need for future residents of the new housing to rely on the private car for travel. This is considered to constitute an **environmental benefit of moderate weight.**
- 5.61 The Appeal Proposals will result in the delivery of biodiversity net gains considerably in excess of the requirement for 10% net gains, which is being introduced through the Environment Bill,

through a combination of on and off-site provision. This is considered to constitute an **environmental benefit of significant weight**.

Summary of Benefits of the Appeal Proposals

- 5.62 As referred to above, the Appeal Proposals are in accordance with the policies of the Development Plan.
- 5.63 With the tilted balance of NPPF Paragraph 11 (d) engaged, planning permission should be granted unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. It is considered that any limited landscape harm arising from the Appeal Proposals does not significantly and demonstrably outweigh the benefits referenced above and therefore the Appeal should be allowed and outline planning permission granted.
- 5.64 Furthermore, in this instance, it is considered that the benefits of the Appeal Proposals actually outweigh any limited landscape harm arising from the Appeal Proposals, given their benefits to the wider Nanpantan community and beyond and should therefore be afforded significant weight.
- 5.65 In conclusion, the Appeal Proposals are considered to constitute a benefit of significant positive weight.

SECTION 6: Conclusions and the Planning Balance

- 6.1 The Appeal Proposals seek to deliver new residential development on a site at Leconfield Road, Nanpantan, which lies within the settlement limits of Loughborough, as defined in the Development Plan. Loughborough is acknowledged in the Development Plan as being the largest settlement in the Borough, with good access to jobs, services and facilities and public transport and, as such it represents a sustainable location for new residential development to provide for additional growth, within the context of a shortfall in the Council's 5 YHLS.
- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.3 The Appeal Proposals are in accordance with Core Strategy Policy CS1, which seeks to encourage new residential development within Loughborough and with the housing requirement within that policy representing minimum amounts rather than a ceiling. There is therefore no conflict with this policy.
- 6.4 The Appeal Proposals are in accordance with Saved Local Plan Policy ST/2, which seeks to restrict development beyond the existing settlement limits, by being located wholly within the settlement limits of Loughborough as defined in the associated Proposals Map. There is therefore no conflict with this policy.
- 6.5 The Appeal Proposals are in accordance with Core Strategy Policy CS3, which seeks the delivery of 30% of the total number of dwellings proposed as affordable homes, and with details of housetypes, tenures and sizes to be determined in a subsequent application for reserved matters consent.
- 6.6 The Appeal Proposals are in accordance with the first criterion of Core Strategy Policy CS11 as they will have only a limited impact on landscape character, which would not be significant. The other criteria of this policy are not relevant to the Site and/or the Proposed Development from a landscape perspective.
- 6.7 The Appeal Proposals are in accordance with Core Strategy Policy CS13 as they help to protect biodiversity and will not result in the loss of ecological feature of significance. The Proposed Development will include a significant landscape buffer to the adjacent ancient woodland and will also help to deliver a scheme of on and off-site habitat creation to deliver significant biodiversity net gains.
- 6.8 The Appeal Proposals are in accordance with Core Strategy Policy CS25, which promotes a presumption in favour of sustainable development.
- 6.9 The Appeal Proposals are therefore in accordance with the relevant policies of the Development Plan and the Appeal should be allowed.
- 6.10 Furthermore, the Council cannot demonstrate a 5 YHLS, instead only able to demonstrate a 3.04 YHLS as of 1st April 2022 and, furthermore, the evidence base of the Development Plan is also out-of-date, with particular regard to both housing and affordable housing need. The tilted balance of NPPF Paragraph 11 (d) is therefore engaged, meaning that the Appeal should be allowed unless any harms arising from the Appeal Proposals significantly and

demonstrably outweigh the resulting benefits when assessed against the policies in the NPPF taken as a whole.

- 6.11 Recent appeal decisions within Charnwood Borough demonstrate that new residential developments have been allowed in areas of countryside as a result of the Council's 5 YHLS position, including those at Sileby [CD.7.1], Woodhouse Eaves [CD.7.2] and Burton-on-the-Wolds [CD.7.3] and with that at Sileby allowing 170no. new dwellings in an Area of Local Separation. In contrast, the Appeal Proposals for Leconfield Road, Nanpantan provide an opportunity for the delivery of new housing, affordable housing and public open space on a site which includes no statutory designations and which is located wholly within the settlement limits of Loughborough as defined in the Development Plan, without incursion into the countryside.
- 6.12 Also weighing in favour of the Appeal Proposals are a range of social, economic and environmental benefits, as referenced from Paragraph 5.50 onwards of Section 5 of this SoC Planning), which are considered to constitute significant positive benefits and which are not outweighed by the limited landscape harm.
- 6.13 In conclusion, the limited landscape harm arising from the Appeal Proposals does not significantly and demonstrably outweigh the benefits – rather, the benefits outweigh the limited landscape harm – and the Appeal should therefore be allowed and planning permission granted in accordance with the relevant policies of the Development Plan and the policies of the NPPF taken as a whole.

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