

Item No. 1

Application Reference Number P/18/0309/2

Application Type:	Outline Planning Permission	Date Valid:	09/02/2018
Applicant:	David Wilson Homes (East Midlands)		
Proposal:	Outline Application (considering access only) for up to 150 new dwellings with associated works including open space, landscaping, drainage and access from Barkby Road and pedestrian link to Chestnut Close. Development affects Public Right of Way I84.		
Location:	Land off Barkby Road Queniborough Leicestershire		
Parish:	Queniborough	Ward:	Queniborough
Case Officer:	Andrew Thompson	Tel No:	01509 634735

The application has been brought to Plans Committee by Councillor Daniel Grimley on the grounds that the planning application would result in a loss of separation between Queniborough and Syston and the impact on local highways and infrastructure services.

Description of the site

The application site lies to the south of Queniborough with Barkby Road forming the western boundary to the application site. The site is approximately 5.84ha in size. The site is currently used for grazing horses.

Opposite the application site on Barkby Road is the Davidsons development and Syston Football Club. Avenue Road and Chestnut Drive properties adjoining the boundary to the north. To the west is Queniborough Industrial Estate.

Footpath I84 runs diagonally through the site to Syston. The site is in Flood Zone 1 and is in a designated Area of Local Separation with an archaeological site running along the Barkby Road frontage.

Description of the Proposals

The application is an outline application considering access only with all other matters to be considered as Reserved Matters. The submitted Design and Access Statement includes the following parameters the applicant considers to be material to the determination:

- Proposes a development area of 3.59 hectares and up to 150 units
- The development proposal of a mix of housing in line with national and local policy, seeking to achieve an average net density of approximately 34 dwellings per hectare.
- Up to 40% of the dwellings are to be affordable housing.

- A range of bungalows, two storey and 2.5 storey housing is proposed.
- A new vehicular access from Barkby Road
- The proposals include a new central spine road that provides access to the proposed dwellings from Barkby Road.
- A new emergency access off Chestnut Close.
- Surface water management within the proposed development of 0.37ha to provide sufficient storage to enable surface discharge from proposed development to be regulated.
- Open Space of 1.44ha including a green link through the centre of the site along the existing Public Right of Way.
- The proposed open space includes a Locally Equipped Area for Play (LEAP) which is provided within a safe and convenient place to benefit existing and future residents of the area.

The application is supported by the following documents:

- Design and Access Statement
- Landscape and Visual Appraisal (updated on 27 February 2018)
- Planning Statement
- Heritage Statement
- Utilities Summary Report
- Topographical Surveys
- Transport Assessment and Travel Plan
- Flood Risk Assessment
- Geo-Environmental Assessment
- Ecological Appraisals
- Sustainability Report
- A further landscape rebuttal - submitted 15 May 2018

The applicant presents a number of key benefits arising from the development proposals which include the following:

- Contribution towards the Council's Housing Land Supply,
- Economic benefit arising from the construction of the new housing to the labour force and supply chain in the area,
- Vitality and Viability to local shops and services from additional customers from the development,
- Provision of affordable housing,
- Provision of bungalows for an aging population and to meet a housing need,
- Provision of Public Open Space including children's play,
- Provision of s106 contributions and
- Enhancement to the Right of Way and sustainable travel initiative.

As part of the planning decision there will be a need to balance and apportion weight to the benefits and the harms resulting from the proposal.

Development Plan Policies

Charnwood Local Plan Core Strategy 2006-2028 (Adopted 9th November 2015)

Policy CS1 - Development Strategy - sets out the development strategy for the Borough. This includes a direction of growth which focuses housing development in

locations around Loughborough and Shepshed with three Sustainable Urban Extensions. The 7 Service Centres and Other Settlements are the next two .

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Queniborough 30% affordable homes are sought on sites of 10 dwellings or more.

Policy CS11 – Landscape and Countryside seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS12 – Green Infrastructure protects and enhances green infrastructure assets including addressing the identified needs in open space provision.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS14 – Heritage sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the Open Space Strategy.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 – Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS20 – North of Birstall Direction of Growth – a comprehensive policy setting out the aims and aspirations of the direction of growth which lies to the south of Rothley.

Policy CS24 – Delivering Infrastructure seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS25 – Presumption in Favour of Sustainable Development sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2006 (adopted 12th January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies, previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant policies are:

Policy ST/2 – Limits to Development seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

Policy EV/1 – Design seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy CT/1 – General Principles for areas of the countryside, green wedge and local separation. The policy restricts new development to that which is small-scale and where it meets certain criteria.

Policy CT/2 – Developments in the Countryside indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.

Policy CT/4 – Development in Areas of Local Separation – In areas of local separation (in this case part j Queniborough/Syston) development acceptable in principle will only be permitted where the location, scale and design of development would ensure that:

- i) the predominantly open and undeveloped character of the area is retained; and
- ii) the already narrow gap between settlements is not reduced.

Policy TR/18 – Parking in New Development seeks to set the maximum standards by which development should provide for off street car parking.

Other material considerations

The National Planning Policy Framework 2012 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 14 states that where the development plan is absent, silent or relevant policies are out-of-date, proposals should be granted permission unless:

- 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; or
- specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the core principles of sustainable development

In terms of the remainder of the NPPF, relevant sections are as follows:

Section 4: Promoting Sustainable Transport

Paragraphs 29-32 promote sustainable modes of transport and consideration of highway implications in that only where a development results in a severe impact should it be refused.

Section 6: Delivering a wide choice of high quality homes

Paragraphs 47 and 49 require Local Planning Authorities to significantly boost the supply of land and need for a 5 year housing land supply. Where a 5-year supply cannot be demonstrated relevant policies for the supply of housing should not be considered up-to-date.

Paragraph 50 advises local planning authorities to plan for a mix of housing.

Section 7: Requiring good design

Paragraphs 56, 58, 63 and 64 – Development is required to achieve high quality design that respects local distinctiveness and poor design should be refused.

Section 8. Promoting healthy communities

Paragraphs 69 and 70: Facilitating social interaction and creating healthy, inclusive communities.

Section 10: Climate change and flooding

Paragraph 96 directs development away from areas at high risk of flooding, and it should take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 103 seeks to ensure that development is flood resilient and designs in sustainable drainage.

Section 11: Conserving and enhancing the natural environment

Paragraph 109 – Developments should promote the natural environment and safeguard protected species

Paragraph 112 – Sets out the consideration of Best and Most Versatile Land that this should be safeguarded.

Section 12: Conserving and enhancing the historic environment

Paragraph 128 – Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraphs 133 and 134 – 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.

On decision taking the NPPF advises:

Paragraphs 186 and 187: Local Planning Authorities should act in a positive and proactive manner in decision making.

Paragraph 196: Re-emphasises the primacy of the Development Plan in decision making

Paragraphs 203-206: Sets out the tests for the use of planning conditions and obligations.

Planning Practice Guidance

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Housing Supplementary Planning Document (2017)

The Housing provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan in respect of Policy CS3: Strategic Housing Needs - for affordable housing.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment in the Borough and is therefore not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Landscape Character Assessment (July 2012)

This Assessment forms part of the evidence base to the Core Strategy. The site lies within the Charnwood Forest Character Area which is described as the upland nature of Charnwood Forest, due to the underlying ancient rock, is very different from other landscape character areas within the Borough. The geology has strongly influenced both the natural vegetation cover and agricultural land use. It has the highest percentage of woodland cover and wildlife sites in Leicestershire. Small villages have a strong sense of identity through the use of local stone. The area is very popular for recreation and visitor pressure is increasing.

ARUP Green Wedges and Local Areas of Separation Study (2016)

This study commissioned by the Council provides inter alia a review of Local Areas of Separation and Green Wedge and how they perform against their respective objectives.

In para 5.1.2 the Arup report found that *“for the most part, the Area of Local Separation performs a critical role in maintaining the borough’s dispersed settlement pattern and ensuring that different settlements remain physically, as well as perceptually, separated.”*

In Table 5.2 Key Findings from Areas of Local Separation Purpose Assessment, the report describes ALS-j, of which the application site forms a part, as having a strong score for the purpose of providing essential gaps but also having 2 small areas which are zones of weakness in that they are compromised and no longer function as part of the gap, which have since been approved for housing.

In table 5.4 Boundary Review the Arup report describes ALS-j as being strongly bounded by defensible features e.g. roads, rail, hedgerow and well defined settlement edges. The recommendation is the retention of ALS-j.

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government’s policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development

Environmental Impact Assessment Regulations (2017)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. For residential development the threshold to consider under Schedule 2 developments are 150 dwellings or 5 hectares (Criteria 10(b)).

S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

- It is necessary to make the development acceptable in planning terms
- It is directly related to the development
- It is fairly and reasonably related in scale and kind to the development

Relevant Planning History

There is no relevant planning history on the application site but the following permissions are relevant due to their relationship to the application site and the considerations of the application.

Davidsons site opposite ("Barley Fields").

P/14/0708/2 – Outline Planning Permission for the erection of up to 165 dwellings. Granted subject to conditions. 10/03/2015.

P/15/1799/2 – Erection of 64 dwellings – Reserved Matters to P/14/0708/2 – Approved subject to conditions – 16/02/2016 – Phase 1 of the overall development.

P/16/0613/2 – Removal of condition 15 and variation to condition 17 of P/14/0708/2. Granted 24/10/2016.

P/16/2090/2 - Erection of 101 dwellings (reserved matters - outline application P/14/0708/2 refers). Granted 21/02/2017

P/16/2290/2 – Erection of 10 dwellings and associated works. Granted 26/04/2017

Millstone Lane

P/14/0393/2 - 101 dwellings at Millstone Lane (amended under planning permission references P/15/0418/2 (substitution of house types) and P/17/1535/2 (amended cemetery detail)) – Granted 10/10/2014

Queniborough Lodge, Melton Road

P/13/1696/2 - Site for the erection of 125 dwellings following demolition of industrial buildings and associated landscaping, infrastructure and formation of access from Melton Road. at Queniborough Lodge, Queniborough Leicestershire LE7 3FN – Granted 09/01/2015

Other live planning applications of note in the area are:

P/18/0611/2 - Outline planning application for 220 houses off Melton Road, Queniborough

P/18/0709/2 – Outline planning application for 270 houses off Melton Road, East Goscote

A public consultation event was held on 25 April 2018 for a pre-application consultation for 195 houses on land north of Barkby Road and west of Queniborough Road in Syston, abutting Queniborough Parish.

Response of Statutory Consultees

Leicestershire County Council Highway Authority

The Local Highway Authority (LHA) advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to conditions and contributions.

The LHA is in receipt of a manually assessed Transport Assessment (TA) which has considered the potential impact of the proposed development based on information obtained from the 2011 Census Data and traffic survey data. The Applicant has also submitted a Travel Plan (TP) to help reduce the number of single car occupancy journeys from the site. The LHA is aware of a previous planning application ref: P/14/0708/2 on the opposite side of Barkby Rd for up to 165 dwellings. The LHA concluded that the residual cumulative impact of that development could be mitigated subject to conditions and contributions and the LPA granted planning permission in March 2015.

Leicestershire County Council Lead Local Flood Authority

The proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority if appropriate planning conditions are attached to any permission granted.

Leicestershire County Council Public Rights of Way

No objection to the application as it should not affect the public's use and enjoyment of the Right of Way; however the appropriate conditions relating to the management, improvement and landscaping associated with the public footpath should be included in any Planning Permission granted.

Leicestershire County Council Mineral Planning Authority

No objection to the proposed development in respect of mineral safeguarding.

Leicestershire County Council Developer Contributions

Library Services – A contribution of £4,530 towards East Goscote Library based on 1 bedroom houses/apartments @ £15.09 per house/apartment, 2+ bedroom houses/apartments @ £30.18 per house/apartment, 1 bedroom student dwelling @ £10.06 per house/apartment. The contribution is sought for research e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no. EAS001. There is currently one other obligation under EAS001 that has been submitted for approval.

County Education Services - In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £387,168.32. Based on the table above, this is calculated the number of deficit places created by the development (32) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals £387,168.32.

Queniborough C of E Primary School is an Academy and has capped its admission number not to exceed 30 places in each year group. The school sits on a confined site and would require 1 hectare of land to expand. The provision of this land would therefore be required in addition to the S106 financial contribution. Because of the complexities of the primary school site some flexibility is requested in the use of the S106 funding generated by this development to enable the S106 contribution to be used for the provision, improvement, remodelling or enhancement of education facilities at this school or other schools within the locality of the development.

No contribution is sought to the Secondary School, Post-16, or Special School sectors.

County Civic Amenity (Waste) – seeks a contribution of £7,751.00 (to the nearest pound) towards Development of adjacent land to reconfiguration of waste site - project MOU009.

Historic England

On the basis of the information available to date, we do not wish to offer any comments and the views of the Council's own specialist conservation and archaeological advisers should be sought.

Environment Agency

The Environment Agency are not required to formally comment on the above application as the Flood Risk Standing Advice (FRSA) applies and the requirement is to consult the relevant lead local flood authority.

Housing Strategy and Support Manager

The proposals are in outline and therefore the detail will be submitted at a later date through a Reserved Matters. In accordance with Policy CS3 and the Council's Supplementary Planning Document and assessing housing need in the area, on site provision of 40% Affordable Housing at a suggested tenure mix of 77% Affordable Rent: 23% Shared Ownership is sought. Regard has been given to the Davidsons site opposite which is currently being developed; noting that this secures 12 x 1-bed properties.

Whilst the housing mix is to be agreed through reserved matters this should include a minimum of:

- Minimum of 2 x 3-bed wheelchair accessible bungalows
- Minimum of 8 x 2-bed wheelchair accessible bungalows
- Minimum of 1 x 4 bed family house.

The minimum number of affordable housing bungalows and 4-bed homes referred to above should be secured for rent in the S106 Agreement. The balance of affordable housing units should be determined at the reserved matters stage.

East and West Leicestershire Clinical Commissioning Group (Healthcare) (Joint Response)

Both West Leicestershire CCG and East Leicestershire & Rutland CCG are aware that there is considerable pressure on General Practice at this time, especially within the South Charnwood area of Leicestershire where the number of new developments is concentrated.

We confirm that all three practices, identified as The County Practice – Syston Health Centre, The Jubilee Medical Practice – Syston Health Centre and The Mahavir Medical Practice – East Goscote, are currently working at over 95% capacity within their current premises set up. We believe that all three practices would therefore need to consider how they could increase their clinical space to accommodate the large influx of patients from this proposed development.

Should this proposal be successful we confirm that West Leicestershire and East Leicestershire CCG would support all three practices seeking S106 health care contributions of £51,095.97. The CCGs would also like to carefully consider the occupancy trigger points included in any section 106 agreement.

These practices are already experiencing capacity issues in relation to their premises and would need to make improvements to enable them to register new patients resultant of this development prior to that registration; therefore the CCGs

and the practices would wish for any resulting S106 contributions to be released to the council prior to the first occupancy of any dwellings on the site.

Charnwood Borough Council Open Space Team

A development of this scale would attract the following contributions being sought in accordance with Policy CS15 of the Core Strategy subject to an assessment of the delivery of on site provision.

	Total Dev. Space Requirement (ha)	Equivalent Contribution Requirement
Parks (0.32ha Per 1000 Pop.)	0.12ha	On site in the form of a multi-functional green space area combined with the Amenity Green Space provision.
Natural Open Space (2.00ha Per 1000 Pop.)	0.72ha	On Site
Amenity Green Space (0.46ha Per 1000 Pop.)	0.17ha	On site
Facilities For Children (a facility within 480m of every home)	1 facility	On site (suitable LEAP to be provided – Equipment and design to be approved by CBC prior to commencement of development).
Facilities For Young People (a facility within 480m of every home)	1 facility	On site (suitable NEAP to be provided – Equipment and design to be approved by CBC prior to commencement of development) or Off-site contribution of £140,642.44.
Outdoor Sports Facilities (2.6ha Per 1000 Pop.)	0.93ha	Off-site contribution of £208,022.73.
Allotments (0.33ha Per 1000 Pop.)	0.12ha	Provide on-site or alternatively an off-site contribution of £17,109.35.
Total		Dependent on on-site provision - up to £365,774.52

Environmental Health

No objection to the proposal in principle the “Noise Survey and Assessment” Report prepared by Assured Acoustics Ltd identified that part of the development site was affected by noise from a roof-top fan at the existing Queniborough Industrial Estate. Enhanced acoustic glazing and ventilation was proposed for properties located near this fan and to dwellings directly facing Barkby Road will require mitigation in the form of acoustic glazing and ventilation as specified in the report to ensure appropriate internal noise levels can be achieved.

An appropriate air quality assessment to support the application would also be necessary, to determine the layout of the development and to ensure that the air quality is appropriate.

Ground conditions would require a physical site investigation and if appropriate a mitigation and remediation strategy to identify the extent, scale and type of any contamination and where necessary an appraisal of remedial options and proposal of the preferred option(s) to avoid risk to the occupiers/buildings/environment when the site is developed.

Ramblers Association

No objection to the development. It should be noted that Footpath 184 is retained through the development and should be comprise an all-weather surface of a suitable width. Sufficient signposting / waymarking should be arranged to allow ease of use of the footpath.

Queniborough Parish Council

The Parish Council strongly objects to this proposal. A detailed submission has been provided and can be viewed on the Council's Website. The Parish Council's objections are similar to the Neighbourhood Plan Steering Group (below) and include the following reasons:

- Level of growth and current proposals in the area,
- The village being an 'other settlement' in the Local Plan
- Permissions are above the level of growth anticipated
- Traffic in the village for some time in particular the crossroads. The crossroads has tailbacks almost to the A607 roundabout at peak times.
- The preferred option of an additional lane at the crossroads is once again being proposed as part of this application. However, this option was judged to be unsafe by the current developer of Barley Fields (P/17/1975/2) and this has been accepted both by the planning authority and highways.
- Crossing the road is difficult for pedestrians.
- The development is in the area of separation between Queniborough and Syston. The development at Millstone Lane has reduced the green space surrounding the built environment of Queniborough village on the Syston side.
- The ability of the local amenities to cope with this level of increase in dwellings.
- The primary school is at capacity and the Council understands that the school wishes to remain at its current size.
- There is increasing pressure on health and other services in the area. There are increasing waiting times at the Syston Health Centre.
- Parking in Syston is inadequate to meet current demands as it is at the Thurmaston shopping centre, especially at peak times.

As part of the Parish's comments a letter from the County Practice to the Parish Council has been submitted highlighting the increase in the practice list by over 1,000 in the last 10 years and the increase in pressures. The practice is running out of space in accommodation and is struggling to recruit GP's and practice nurses.

Syston Town Council

Syston Town Council would like to be satisfied that the impact of this development would not be detrimental to Syston and its infrastructure. Assurance is sought that roads, medical facilities in terms of doctors surgeries, as well as policing and all utilities are all substantially catered for by provision of S106 monies.

Barkby and Barkby Thorpe Parish Council.

Concern with this proposed development is the increase in traffic that it will bring to the road between Queniborough and Barkby and the added congestion it will bring to the roads through Barkby and Barkby Thorpe. Traffic levels are already extremely high and have been brought to the attention of County Highways and Charnwood Borough Council.

The Parish Council are equally concerned at the pressure 150 additional households will bring on already hard-pressed services such as the local health centres and the local schools. With such a major development as the nearby 4500 houses of the North East of Leicester SUE due to come on stream there should be no need for such opportunistic bids such as this application.

Queniborough Neighbourhood Plan Steering Group (QNPSG)

The Group are opposed to any further large-scale housing developments within the Parish of Queniborough as is contrary to the Development Strategy for Charnwood within the Core Strategy of the Charnwood Local Plan (2011 to 2028). Queniborough has already had an additional 176 houses built at Barley Fields, Barkby Road and 101 at Millstone Lane. An increase of 277 houses. Therefore, Queniborough alone has already taken over 50% of the allocated housing for all 12 'other settlements' identified in the Local Plan. Other applications have also been submitted. If all are approved Queniborough alone will have met Charnwood's Local Plan housing allocation for the 'Rest of the Borough' i.e. all 'other settlements', 'small villages and hamlets' i.e. Queniborough would have increased in size by over 60% and as such Queniborough would lose the 'character of the village'.

The type of housing proposed only identifies two bungalows and there is no mention of first-time buyers houses e.g. starter homes.

The proposals will increase the traffic on the Barkby Road. Barkby Road is the main route that cars take from the A607 to Barkby, east Leicester and the surrounding villages and the road starts at the crossroads in the centre of Queniborough. At these crossroads there are major tailbacks of traffic. This development will lead to an additional 326 cars (minimum number) wanting to join the already busy Barkby Road and increasing the congestion at the crossroads.

Access to the proposed development is also nearly opposite the road that allows entry to and from the Barley Fields (Davidsons) site. The effect of the additional cars entering and leaving the two access roads will increase hazards to Barkby Road.

This increase in traffic will increase the risk of health and safety in Queniborough and the surrounding area and impact on pedestrian safety and the ability to cross the roads

The QNPSG has great concerns about the ability of our local amenities to cope with such a large scale development. The primary school is full, there are no medical facilities in Queniborough and it currently takes three weeks to get an appointment see a doctor at the GP Practice in Syston.

The proposed development is within the 'area of local separation' between Queniborough and Syston, listed in Charnwood Borough Council's Local Plan. The current housing development at Millstone Lane has already reduced this 'area of local separation' and reduced the green space surrounding the built environment of Queniborough village on the Syston side. This proposed development will further reduce this 'area of local separation' between the service centre of Syston and the 'other settlement' of Queniborough.

The site boundary is shown to extend into a field behind Queniborough Industrial Site and as such will remove the existing hedgerow. This will have a detrimental effect on the existing local fauna and wildlife.

East Goscote Community Library

If this development goes ahead, we wish to submit an application for S106 finance for East Goscote Community Library. Queniborough has no library and some residents currently use the one in East Goscote.

Campaign for the Protection of Rural England (CPRE)

Object on the following grounds:

- Contrary to the aims of Policy CS1 given the level of growth in Queniborough already delivered and its status as an Other Settlement.
- Shortfall in housing land supply should not be used as a reason for granting planning permission
- Policies should not be considered out of date and should only be amended through the plan making process
- Precedence should be given to the Neighbourhood Plan
- Would impact negatively on the open rolling countryside between Queniborough and Barkby which is characteristic of High Leicestershire.
- Result in a loss of open space alongside a popular rural footpath and bridle way within easy reach of the village
- Although we welcome the provision of a children's play space we have doubts about its edge of site location which denies the security afforded by properties overlooking the area.
- The proposals should provide an appropriate housing mix and limit the provision of larger housing and provide bungalows
- Loss of agricultural land.

Third Party Representations

Rt. Hon Edward Argar MP

The MP objects to the application on the following grounds

- Queniborough is an “Other Settlement” and the level of growth experienced is already significant.
- The proposal would not be an infill housing development.
- Proposal is not sustainable development
- Impact on the character of the village and area of separation
- Impact on the services
- Impact on the crossroads and highway network
- Detrimental to the amenities of neighbouring residents
- Whilst the lack of five-year supply is noted the application is contrary to the Council’s policies and would clearly be detrimental to the local community.

Barky and Barkby Thorpe Parishes Action Group (BABTAG)

Concern in the increase in traffic that it will bring to the road between Queniborough and Barkby and the added congestion it will bring to the roads through Barkby and Barkby Thorpe. Traffic levels are already extremely high and have been brought to the attention of County Highways and Charnwood Borough Council.

BABTAG are equally concerned at the pressure 150 additional households will bring on already hard-pressed services such as the local health centres and the local schools.

With such a major development as the nearby 4500 houses of the North East of Leicester SUE due to come on stream there should be no need for such opportunistic bids as this application should be turned down

A total of 91 letters of objection have been received from local residents and the Head Teacher to Queniborough Primary School. Some residents have written more than once. The objections raised include:

- Principle of development housing not needed or required
- Village cannot cope with the level of growth/impact on the character of the village – undermines Strategy for Growth in the Core Strategy
- Lack of facilities (e.g. doctors and schools)
- No benefit to the village
- Loss of countryside
- Loss of area of separation
- Loss of identity to the village/coalescence of distinct parts of the development
- Traffic congestion and impact on the local highway network
- Speed of traffic
- Need improvements to the highway around the school to promote walking – concern about children’s safety
- Impact on wildlife (e.g. badgers, bats, hedgehogs, skylarks)

- Lack of parking for existing residents
- Flooding and Drainage
- Loss of privacy

Full copies of all representations can be found on the Council's website.

Consideration of the Planning Issues

This application is for outline planning permission as explained at the beginning of this report and the key considerations are therefore the following:

- Principle of development and Housing Land Supply
- Landscape and Settlement Character
- Layout and the Indicative Masterplan
- Relationship to Neighbouring Properties
- Flooding and Drainage
- Ecology Wildlife and Trees
- Heritage
- Loss of Best and Most Versatile Agricultural Land
- Highway Issues and the Sileby and Barrow Traffic and Transport Study
- S106 developer contributions

Principle and Housing Land Supply

Policy CS1 sets a development strategy and settlement hierarchy that guides residential development to the edge of Leicester and Loughborough/Shepshed before smaller places in the Borough. Sileby is categorised as one of seven service centres, which are expected to accommodate at least 3,000 dwellings during the plan period 2011 to 2028.

The proposal is located in the countryside as denoted by saved local plan Policy ST/2 but adjoins the settlement boundary. The Core Strategy indicates that small scale development adjoining the settlement boundary of Service Centres may be acceptable subject to the proposals responding positively to sustainable development objectives and which contribute towards meeting our development needs, supports our strategic vision, makes effective use of land and is in accordance with the other policies in the Core Strategy.

Paragraph 14 of the National Planning Policy Framework states that where development plan policies are out-of-date planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole; or
- specific policies in this Framework indicate development should be restricted.

The need to significantly boost housing supply is a material consideration that must be given weight in the planning balance. For Charnwood, Core Strategy Policy CS 1 and Local Plan Policy ST/2 are the policies for the supply of housing. Whilst these policies are out-of-date, it remains for the decision taker to assess the weight of these policies. A recent Supreme Court judgement (Suffolk Coastal District Council v Hopkins Homes Ltd & Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 36.) has clarified a number of matters in relation to the application of the presumption of sustainable development. For Charnwood, Core Strategy Policy CS 1 and Local Plan Policy ST/2 are the policies for the supply of housing. . The Supreme Court judgement confirms that where policies for the supply of housing are not considered up to date, they retain their statutory force, but the focus shifts to other material considerations. When making an assessment of weight it is necessary to consider the degree of consistency with the Framework, the degree to which policies restrict the supply of new housing, the purpose of the policies and if there is a 5 year supply shortfall, the degree of the shortfall and the action that is being taken to address it.

Policy CS1 defines the settlement hierarchy and the criteria for considering proposals within individual tiers of settlements. The Development Strategy set out in the Policy seeks to guide development to locations that are well connected to jobs, services and infrastructure in order to provide a sustainable pattern of development. The Core Strategy supports sustainable development which contributes towards meeting our remaining development needs, supports the Council's strategic vision, makes effective use of land and is in accordance with the policies in the Core Strategy. These matters do not all necessarily relate only to the supply of housing but also to the sustainability and suitability of differing types of settlement for new housing having regard to travel and patterns of movement and access to services and facilities.

Whilst Policy CS1 is not up-to-date, and cannot be ascribed full weight, the policy has a role in delivering a sustainable pattern of development. The site in question is outside the limits to development of Queniborough and within countryside.

In support of Policy CS1, paragraph 4.47 states that, in relation to Other Settlements in general, that villages do not generally have access to a good range of services or facilities and rely largely on the private car for their day to day needs. The development strategy allows for some development in these locations to help protect and where possible increase services and facilities within them.

As the Council is currently unable to demonstrate a five year supply of housing land, it is considered that this site would contribute towards meeting our development needs. However, as stated at paragraph 4.50 of the Core Strategy, Other Settlements may be suitable for some small scale infill development to meet local needs. To be considered small scale, a development should be appropriate in size for the village they are in and the character of the site's location and surroundings.

Policy ST/2 acts as a counterpart to CS1. It defines the land which is considered to be within the urban area and that which is countryside. In doing so, it provides that part of the development strategy which seeks to manage patterns of development is to ensure that landscape and the countryside are protected. It is considered that, in

this instance, Policy ST/2 must be given moderate weight as it would restrict the delivery of housing adjacent to the settlement boundary that could otherwise meet an identified housing need.

It is considered that policies CT/1, CT/2 and CT/4 whilst not policies for the supply of housing, can have a constraining effect upon the supply of housing. It is considered that these policies should be attributed reduced weight when the Council is unable to demonstrate it has a 5 year housing land supply, as they would otherwise restrict the supply of housing at a time when the Council is unable to demonstrate a five year supply of housing. In other respects these policies show a high degree of consistency with the objectives in the Framework, although aspects of their wording are inconsistent. For the above reasons they are considered to carry more than moderate weight.

The level of development in the Other Settlements (currently in the region of 1,000 dwellings), and the level of development already delivered in Queniborough have also been considered, including the development opposite which is under construction for 175 dwellings. Further there has also been new development to the north of Syston (Millstone Lane development) reducing the gap between the settlements. The impact on the settlement character and the individual character and identity should also be considered and this is set out later in this report which may lead to principle issues of concern relating to the proposed development of this site.

The Area of Local Separation is one site specific policy identified in Saved Policy CT/4 of the Local Plan that needs to be considered as a constraint to development of the application site. There is also a known archaeological site within the application boundary. The impact on heritage assets and landscape features therefore needs to be considered against the principles of sustainable development as defined in Paragraph 14 of the NPPF and informed by the Core Principles set out at Paragraph 17.

The draft NPPF has also been noted but is not at a stage where the wording could be significantly relied upon and the early consultation on the new Local Plan has also commenced. Both these documents highlight a potential increase in the Council's housing need, however these need to be tested through the plan making process.

The conclusion and balance in terms of principle issues are therefore summarised as:

- The Council's Housing Land Supply (Policy CS1 of the Core Strategy)
- The impact on the settlement hierarchy and the category of Queniborough as an Other Settlement (Policy CS1 of the Core Strategy)
- The proposals being outside the settlement limit (Saved Policies CT/1, CT/2, ST/2 of the Local Plan)
- The impact on the Area of Local Separation (Saved Policy CT/4 of the Local Plan)
- The impact on the identity of Queniborough and landscape considerations (Policies CS11 and CS12 of the Core Strategy)

The remainder of the report therefore addresses the above material planning considerations against which the application proposal should be measured.

Landscape and Settlement Character

Policies CS2, CS11, and CS12 of the Core Strategy are of particular relevance alongside saved Policy CT/4 of the Local Plan. Policy CS2 seeks to ensure that development respects the site's context in terms of the wider character of the area (e.g. the settlement character of Rothley).

Policy CS11 seeks to support and protect landscape and countryside by requiring new development to protect landscape character and to reinforce a sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments.

Policy CS12 and its supporting text highlight that there are a number of Green Wedges which contribute to the setting of our towns, urban areas and surrounding villages and the relationship between them. Green Wedges perform a number of important functions, including acting as green lungs for our urban areas, providing areas for recreation and protecting individual identity for some settlements by safeguarding them from merging together. The policy supports development in Green Wedges that:

- retains the open and undeveloped character of the Green Wedge;
- retains and creates green networks between the countryside and open spaces within the urban areas; and
- retains and enhances public access to the Green Wedge, especially for recreation.

Saved Policy CT/4 of the Local Plan sets out to ensure that the predominantly open and undeveloped character of the area is retained and the already narrow gap between settlements is not reduced. The application site is located the Area of Separation identified as ALS-j.

These policies are supported by the evidence base including the Green Wedges and Local Areas of Separation Study and the Landscape Character Assessment (prepared by Arup). The report concluded that with a gap which is a mere 400m at its narrowest between Syston and Queniborough "*the two settlements are visually and functionally separate, maintaining unique identities.*" And that "*any further outward expansion of either settlement would perceptually (and, to an extent physically) erode this separation.*" Further development would reduce the scale of the gap and "likely lead to coalescence". The remaining gap is, therefore, critical to preventing coalescence.

The site comprises two fields, one of which was until recently a tree nursery and the other which was pasture. The nursery land was cleared and returned to grass. It is considered that the site is returned to either fallow or to pasture and thereby fully accords with the characteristic for rural grassland, a prominent land use and key land cover characteristic of the ALS-j. With the removal of the nursery it is also considered that the openness of the site and its rural appearance provide a strong visual connectivity and relationship to the wider countryside.

The site is therefore typical for the ALS-j and the Wreake Valley LCA and less distinct from the surrounding countryside. This suggests that the landscape condition is no

longer low to medium but medium, notwithstanding the development pressures to the east on the opposite side of the Barkby Lane. The boundaries are well maintained hedgerow with few standard or mature trees. The gap however remains narrow and vulnerable to change and there is strong intervisibility between Queniborough and Syston in the southern zone of the ALS-j.

Visually the site is less busy and more open. It is active rather than remote but with a restored unity, with fragmentation reduced following the removal of the nursery. The urban edges in the vicinity are strong and the previously considered area capable of supporting development (the development at Millstone Lane) is now part of the urban form of Syston.

The applicant has submitted their own Landscape Assessment and a detailed rebuttal to the comments received and raised as part of the application process, defining the character is that it is periurban with a medium high capacity for development and in the planning balancing, suitable to be brought forward for development ahead of any other site on the edges of Queniborough despite its ALSj designation. Periurban is defined as being not truly rural but tending to urban characteristics which lend itself to being considered as having a low degree of tranquillity.

Officers disagree with this definition. Having been restored to grassland, the site appears to have a greater level of tranquillity and a more apparent rural characteristic. From Barkby Road the industrial estate does provide a backdrop, but the application site is not industrial. It is bounded to the north by housing but the site itself is not housing, nor is it open space typically associated with housing. The site is grassland and has a rural appearance. Indeed, the LVIA in its summary and conclusions state that the site comprises of "farmland" (para 8.3), a function which is inherently rural.

The site is referenced in the LVIA as part of the Wreake Valley area of the Charnwood Landscape Character Assessment (LVIA para 5.3). It is noted also that it sits within the Zone 21 of the associated sensitivity study which attributes medium high capacity for development for ALSj. However this is based on several characteristics one of which, horticulture and the other 'degraded' status, no longer applies to the site since it was cleared and put to grass. This is also noted in para 2.3 of the applicant's LVIA. In Para 6.5 the applicant's LVIA states "*the landscape of the site is of moderate strength of character and moderate condition,*" and that the site is "*medium susceptibility to the proposed change, and in overall terms medium landscape sensitivity*". In Para 6.6 it states "*The development of the site will result in the permanent loss of the existing agricultural land use that will be transformed into housing with associated highways, public open space, water attenuation, and structural landscaping. This change in landscape terms will be of significance to the planning decision making process.*"

In para 6.6 of the submitted LVIA it is also highlighted that landscape terms will be of significance and a material consideration to the planning decision making process. In para 6.7 it recognises that "*the loss of farmland will result in an adverse effect to the character of this landscape*".

It is the view of officers that the applicant's LVIA tends to underscore for close and intermediate viewpoints. Assumptions are made regarding the degree of softening which the boundary landscape treatment would have which is unlikely to be sufficient to achieve the desired outcomes of ensuring settlement identity and preventing coalescence. It follows that residual significance of impacts would be greater than stated.

The applicant highlights in their rebuttal concerns raised that in terms of landscape character, the site is located within an area identified in the Borough's Landscape Assessment as having a medium to high capacity to accommodate development. However this assessment should be updated in light of the further development on Millstone Lane and the additional evidence now prepared

The submitted LVIA, the applicant contends, has assessed the site as being of medium landscape sensitivity, and the development within it resulting in a material change to its character that will result in an adverse effect considered to be of significance to the planning decision making process. This finding is similar to the conclusion drawn by the Inspector when dealing with the Melton Road, East Goscote proposal, and is not different to the effects arising from the vast majority of new housing development within the Borough, most of which is delivered on greenfield sites.

The sensitivity of the existing open gap between Queniborough and the Millstone Lane development (Syston) is considered high as a result of development and its width is narrowed to approximately 400m at its narrowest point. The proposed development would result in a significant contribution toward settlement coalescence by reducing the physical gap and consolidating the perceptual coalescence. This would also harm the individuality and settlement identity of Queniborough. The site is open and allows relatively short range views between the settlements which are only partially filtered by intervening hedges. Whilst the gap is narrower than the application site on the neighbouring industrial estate, the continuation of growth to the south of Queniborough would be a significant material consideration. The physical coalescence and separation between the settlements is an important consideration in terms of the settlement identity.

The criteria tests for assessment of the effectiveness of ALS-j are considered to be as follows:

Does the area physically separate the settlements?	Yes - prevents coalescence
To what extent is the separation at risk of being compromised?	Risk is high
Is this the areas primary planning function?	Yes

When applied to the site the evaluation is

Does the area physically separate the settlements?	Yes - prevents significant erosion of the gap which would contribute to coalescence
To what extent is the separation at risk of being compromised?	High
Is this the areas primary planning function?	Yes

The site in terms of its defining characteristic fits with the descriptor 'grassland' or 'pasture' and not horticulture. It is no less attractive than any other form of grassland and is thus no longer 'degraded'. Its 'tranquillity' is higher than the adjacent housing or commercial uses and the transport routes. It is recognised in the sensitivity study and referenced that development would have a significant adverse impact for coalescence.

However, the overall harm in terms of the landscape and the identity of the settlement in terms of the identity of Queniborough and is a key material planning consideration in the planning balance. The proposals would result in harm as a result of the loss of the application site from the Area of Local Separation and the impact in combination with the other developments in the area are material are harmful. Given the above assessment it is considered that the proposals would be contrary to Policies CS2, CS11 and CS12 of the Core Strategy and saved Policy CT/4 of the Local Plan which are supported in the National Planning Policy Framework. This harm needs to be balanced against the benefits of the proposals to the shortfall in housing land supply.

Layout and the indicative masterplan

Saved Policy EV/1 of the Local Plan and Policies CS2, CS3, CS11, CS12, CS13, CS15, CS16 and CS17 of the Core Strategy are of particular relevance in seeking to establish high quality design and parameters for a future detailed submission. The indicative layout sets out a broad development parameter of development areas, open space and a road network. Comments received to the application have largely been focused on the principle of development but it is noted that a number of objections raise concerns with regard to the impact of the proposals on the amenity of existing residents and the housing mix (e.g. the need for bungalows). Properties on the illustrative are predominantly two storey and the comments of the Council's Housing Strategy Manager is noted in respect of housing in particular need.

The indicative layout includes a number of key features which are set out in the applicant's Design and Access Statement. These include the provision of a range of house types, sustainable drainage proposals, a Green Corridor for the footpath and provision of play space. The proposals also include new planting proposals.

Officers have carefully considered the merits of the submitted indicative plan and there are some positive elements, However, at this stage there are no indications of the scale or mix of house types associated with the proposals but there does appear to be a particular focus on larger properties which would be contrary to the Council's

housing needs evidence. It would also be expected that in order to respect neighbouring properties and that this relationship is considered carefully.

Further information with regard to air quality and noise environments would need to inform the Reserved Matters but there is no significant concern in either respect. The position of the proposed play area should also be better related to the proposed properties to ensure a level of overlooking and surveillance to the play area.

Whilst the proposed development does not reflect the established urban grain or form of Queniborough this is a deliberate aim to create a softer edge to the proposed development. This approach of creating an appropriately designed development would, in urban design terms, be an appropriate response, subject to refinement of aspects above.

For the reasons outlined above, it is considered that the indicative layout could be capable of delivering a high quality development, but that further detail would need to be conditioned, in relation to the scale and mix of housing, detail of landscaping and the treatment of I84. This would need to be brought forward as part of a future Reserved Matters submission for the development to be considered to accord with the aims and objectives of saved policy EV/1 of the Local Plan and Policies CS2, CS3, CS11, CS12, CS13, CS16, and CS17 of the Core Strategy.

Relationship to Neighbouring Properties

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy are material considerations in this respect. As stated above, at this outline stage, the indicative layout and masterplan do not form part of the application proposals but elements of detail (e.g. bungalows) that form part of the masterplan proposals could form part of the parameters secured, if the proposals overall were considered to be acceptable. The emergency access is part of the consideration as an access.

With regard to the amenity of residents, a proposal could form a satisfactory relationship to the neighbouring properties on the neighbouring streets (Avenue Road and Chestnut Close) but this scale of the proposed properties and separation would need to be carefully considered as part of further Reserved Matters if outline planning permission was granted.

The position of the emergency access is noted and is currently a hedge to Chestnut Close and also the location of the existing public footpath. Therefore there is an element of activity already in this location and the proposals would need to be designed to restrict other vehicular movements onto the highway at this point.

Overall it is considered that issues of concern raised on this aspect of the proposals could be designed out at the reserved matters stage and that the proposals could accord with saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy.

Flooding and Drainage

Policy CS16 of the Core Strategy encourages sustainable design and construction and directing development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites. A number of residents have raised the capacity of the drainage network to cope with the additional infrastructure. In this respect the comments of the Lead Local Flood Authority and Severn Trent are noted and the conditions they suggest are positively worded (i.e. are not Grampian Conditions) so that additional work is not needed in the area (i.e. off-site works outside the control of the applicant). The inclusion of sustainable drainage systems and their scope are considered to be acceptable to both consultees.

Paragraph 103 of the Framework requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only consider development in areas of flood risk where, informed by a site-specific flood risk assessment, will not put the users of the development at risk.

The site falls within Flood Zone 1, where flood risk to future occupiers would be minimal. Therefore it is considered that development of this site is acceptable in terms of flood risk as it has been directed to an area at lowest risk of flooding. However, there is a requirement to demonstrate that sustainable drainage methods are employed and that the development of the site would not result in increased flooding elsewhere as a result of the increased requirements of drainage and hard surfacing.

The comments of Lead Local Flood Authority have been noted and carefully considered and the issues raised by local residents regarding instances of localised flooding have also been given due consideration. Overall it is considered that there would be no sustainable reason, subject to appropriate conditions, why a development could not be brought forward at the reserved matters stage that could accord with the requirements of Policy CS16 of the Core Strategy and the aims and objectives of the NPPF.

Ecology, Wildlife and Trees

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible they should seek to enhance ecological benefit through landscape and drainage solutions. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core Strategy seek to ensure that appropriate designs and layout are provided which deliver high quality design and the provision of appropriate green infrastructure is also a relevant consideration in this context. The comments and concerns raised in relation to protected species from local residents in particular are noted and are carefully considered. The Council's Senior Ecologist has reviewed the application and the supporting documents.

The Ecological appraisal does not include a robust or objective assessment of the potential value of habitats within the proposed open space and some proposals are

inappropriate and unlikely to achieve the stated objective. Preliminary calculations indicate that even a generous interpretation of the proposed layout would lead to a net biodiversity loss and it is considered that up to a third of the value of the site would be lost in total.

However, the layout has responded to important features of the site, retaining a large proportion of the hedgerows and the existing footpath in a wide green corridor. This would help to maintain connectivity across the site that could compensate for the loss of hedgerow across the middle of the site.

With regard to the impact on newts, the appraisal appears to have exaggerated the distance between ponds 2 and 3 and the connectivity between both ponds and the application site appears to have been overlooked. The nearest record of GCN to the site is approximately 600m to the west. Further surveys are necessary which would be conditioned.

The assessment of on-site trees is accepted as reliable for the consideration of bats. The ecological appraisal considers that there is poor habitat connectivity to the application site, partly because of the residential development to the north. However the majority of records presented in detail in the report (i.e. those nearest to the site) appear to be from urban areas. The recommendation that no further surveys are required is based on an assessment of the site as being of low value to bats and understanding that the central hedgerow will be retained. However:

- The site and its surrounds do not fit well with either the description of low or moderate value commuting and foraging habitats for bats (Table 4.1 Collins 2016)
- The Conceptual Plan shows that most of this hedgerow is likely to be lost. The Appraisal specifically identifies hedgerow removal as a trigger for further surveys.

In relation to birds, the desktop study indicates a good assemblage of farmland birds in the wider area and it is almost inevitable that the proposed development will result in the displacement of birds such as skylark and yellow hammer from the site. This could only be avoided by not developing the site and therefore the avoidance of a net loss of biodiversity is sought. This could be deemed acceptable where it can be objectively demonstrated that development avoids a net loss of biodiversity. The inclusion of building integrated nesting features may be considered an enhancement where it can be shown that there is otherwise no net loss of biodiversity.

Overall, subject to appropriate planning conditions and a s106 package to secure management and delivery of ecological enhancement to land outside the red line application boundary, the proposals would be considered to be in accordance with Policy CS13 of the Core Strategy and relevant guidance within the National Planning Policy Framework.

Heritage

As stated above, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed

buildings or their setting or any features of special architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 128, 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

Policy CS14 requires development proposals to protect heritage assets and their setting; supporting developments which have been informed by and reflect Conservation Area Character Appraisals, Landscape Character Appraisals and Village Design Statements; and supporting developments which incorporate Charnwood's distinctive local building materials and architectural detail.

In terms of built heritage, there are no listed buildings close to the site and the site is not related to the Conservation Area or its setting and therefore there is no impact on the Conservation Area that would generate harm. The buildings within the village are mostly protected by vegetation and topography and therefore the new development will have no effect on any historic buildings in the vicinity.

The proposed development area is on farmland adjacent to a large housing estate built during the late 20th century. It also lies close to an industrial estate and although there will obviously be loss of agricultural land between the settlements of Syston and Queniborough the new development here is unlikely to have a detrimental impact on the setting of the any buildings of historic interest.

The submitted archaeological and historic assessment identifies that there is significant prehistoric and Roman settlement activity in the area, along with fewer Anglo-Saxon and medieval remains. The site lies outside the medieval and postmedieval core of the village and outside the Conservation Area.

The historic core of the village, has an early medieval origin. Excavations to the north of the village along the line of the Rearsby Bypass revealed large areas of prehistoric and Roman activity and there are further known Neolithic and Roman sites in the vicinity of the assessment area along with other findspots for prehistoric and Roman artefacts around the environs of the village. There are also several areas of cropmarks showing enclosures, some of which are undated but are likely to be Iron Age or Romano-British in date. One set of these partially lies within the application area itself (under reference MLE785). There are also Anglo-Saxon, medieval and post-medieval features and artefacts in the vicinity, although these are largely to be found closer to the village core.

Therefore, there is moderate to high potential for prehistoric remains to be found within the assessment area and moderate potential for Roman remains. There is low potential for Anglo-Saxon, medieval or post-medieval remains to be revealed during any new development on the site.

No archaeological work has been undertaken on the application site, the area of greatest risk is for previously unknown archaeology to be present on the site. The

HER for Leicestershire and Rutland shows known archaeological remains partially within the application site and in the wider vicinity. As there are known cropmarks within the site, there is the possibility that these could extend outside the identified area.

Clarification of the archaeological potential could be achieved through further archaeological work prior to any development commencing or as part of the Reserved Matters submission (e.g. geophysical survey work and trial trenching). A watching brief would be required throughout the development process.

This could be secured through appropriate planning conditions.

In conclusion and in accordance with the Act, guidance contained within the NPPF and Core Strategy Policy CS14, the proposed development will cause less than substantial harm to the significance of the designated archaeological heritage assets and would be considered appropriate with the aims and objectives of legislation, policies of the Development Plan and the NPPF as a material planning consideration.

Loss of Best and Most Versatile Agricultural Land

NPPF paragraph 112 sets a presumption against the loss the Best and Most Versatile (BMV) agricultural land to development, and that where significant losses of such land is necessary, it should follow a thorough assessment of the options through the local plan process.

The land is grade 2, Best Most Versatile. This land should be protected as part of the national agricultural land bank. In planning terms the obligation is to develop land which is not best most versatile before accepting pressure to take BMV out of agricultural use. This supports the maintenance of the land as grassland and would thus preserve its landscape character.

There is no definition as to what constitutes a “significant loss” of agricultural land however applications over 20ha require consultation with Natural England and this is a definition that the appeal inspectors have noted elsewhere.

Therefore in this case the loss of best and most versatile agricultural land is a factor that weighs against the proposal but the loss in itself would not be significant in its own right.

Highway Issues

Policy CS17 of the Core Strategy seeks to provide a genuine choice for our community to walk, cycle or take longer trips on public transport. Development is expected to be managed in ways which secure improvements or results in an efficient and effective transport network. Policy CS18 of the Core Strategy seeks to maximise the efficiency of the local and strategic road network by 2028 by requiring new developments (including this application) to deliver an appropriate and comprehensive package of transport improvements.

Paragraph 32 of the NPPF states developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. It further states that decision makers should ensure that the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved, and improvements can be undertaken within the transport network that cost effectively limits the significant impact of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The Local Highway Authority (LHA) understands that this is an outline planning application with all matters reserved except access.

Site Access

The Applicant is proposing the site will be accessed via a new T-junction on to Barkby Road and will consist of a 5.5 metre wide carriageway and 6 metre kerb radii. There will also be 2 metre wide footways on either side of the carriageway. The site access will be located in the 30 mph speed limit therefore the Applicant has shown visibility splays of 2.4 metres x 43 metres. Due to the close proximity of the change in speed limits from 30 mph to 40 mph the applicant has also shown that visibility splays of 2.4 metres x 120 metres are possible either side of the site access.

There have been 9 Personal Injury Collisions (PICs) in the five year period under consideration. All of the PICs were classified as slight in severity. Analysis of the data shows that the police did not provide details of one of the PICs, one of the collisions involved a child pedestrian and the remaining 7 collisions involved a single or multiple motor vehicles only. The PICs occurred at various times of the day in various conditions i.e. wet and dry although most appear to have occurred in daylight. There is no common factor that has contributed to these PICs and there are no obvious patterns or clusters that require further investigation / mitigation.

Concerns have been raised regarding the ability to walk from the site into the village centre or to the school in Queniborough,

Based on the trip generation and distribution, the impact on the highway network has been investigated at the following junctions within the Transport Assessment:

1. Site Access / Barkby Road
2. Rearsby Road / Queniborough Road / Barkby Road / Syston Road
3. Queniborough Roundabout
4. Melton Road / Syston Road

The results of the capacity assessments at junction 2 indicate that the junction operates over capacity in the 2023 without development scenario. When the development traffic is added there is a further deterioration so therefore the Highway Authority considers a mitigation scheme is required before occupation and proposes a condition to secure this mitigation.

Overall, the proposals would be considered acceptable in highway terms subject to appropriate planning conditions and contributions, in accordance with Policy CS17 and CS18 of the Core Strategy and would not be considered to result in severe impacts in accordance with the aims and objectives of the NPPF.

S106 developer contributions

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate to the impact of the proposals.

Work has commenced on the scope of a draft s106 Agreement and the applicant has been made aware of the contributions set out below. The applicant notes the contributions sought but raises a concern about the level of bungalows but notes that this would be the subject of the Reserved Matters submission. The s106 Agreement has not been completed. In order to secure the contributions as part of any appeal, in the event that planning permission is refused, it would be necessary to add a reason for refusal to safeguard the Council's position and infrastructure requirements.

The concerns around the ability of services to cope with the development have also been considered however, particularly in relation to NHS the service providers have sought contributions that they consider could assist in the capacity of services.

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
Housing Strategy Manager	40% Affordable Housing at a suggested tenure mix of 77% Affordable Rent: 23% Shared Ownership is sought.	<p>On site - Regard has been given to the Davidsons site opposite which is currently being developed; noting that this secures 12 x 1-bed properties.</p> <p>The following mix is recommended:</p> <ul style="list-style-type: none"> • Minimum of 2 x 3-bed wheelchair accessible bungalows • Minimum of 8 x 2-bed wheelchair accessible bungalows • Minimum of 1 x 4 bed family house. • 	<p>The proposals are required to make the development acceptable and have been calculated based on housing need and in accordance with Core Strategy Policy CS3, the Housing SPD and Housing Waiting Lists.</p> <p>Recommendation: CIL Compliant.</p>

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
Ecology	Not clarified	<p>On site or to nearby ecology projects.</p> <p>The proposals and amounts would be informed by further survey work as part of the Reserved Matters submission and the level of mitigation required.</p>	<p>Whilst the precise amount is not clear at this stage, this is due to the detailed information not being available due to the nature of the submission. Further work as part of a Reserved Matters will inform how to progress this further but it would need to be included in the s106 at this stage.</p> <p>Recommendation: CIL Compliant.</p>
East and West Leicestershire Clinical Commissioning Group	£51,095.97	<p>The County Practice – Syston Health Centre, The Jubilee Medical Practice – Syston Health Centre and The Mahavir Medical Practice – East Goscote are currently working at over 95% capacity within their current premises set up. We believe that all three practices would therefore need to consider how they could increase their clinical space to accommodate the large influx of patients from this proposed development.</p>	<p>The surgeries in question are a reasonable distance from the application site but as the nearest practices they would be relied upon by the future residents. The proposals are reasonable in scale and there have not been more than five contributions to either practice.</p> <p>Recommendation: CIL Compliant.</p>
Leicestershire County Council Library Services and East Goscote Community Library	£4,530	<p>East Goscote Library based on 1 bedroom houses/apartments @ £15.09 per house/apartment, 2+ bedroom houses/apartments @</p>	<p>There are currently no pooling concerns with regard to the obligations under EAS001 .</p> <p>The library is a</p>

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
		<p>£30.18 per house/ apartment, 1 bedroom student dwelling @ £10.06 per house/ apartment. The contribution is sought for research e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no. EAS001. There is currently one other obligation under EAS001 that has been submitted for approval.</p>	<p>reasonable distance from the application site but as the nearest practices they would be relied upon by the future residents.</p> <p>Recommendation: CIL Compliant.</p>
<p>Leicestershire County Council Education Services</p>	<p>£387,168.32 To Primary School Sector</p> <p>No contribution is sought to the Secondary School, Post-16, or Special School sectors.</p>	<p>In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector.</p>	<p>Queniborough C of E Primary School is an Academy and has capped its admission number not to exceed 30 places in each year group. The school sits on a confined site and would require 1 hectare of land to expand. The provision of this land would therefore be required in addition to the S106 financial contribution. Because of the complexities of the primary school site some flexibility is requested in the use of the S106 funding generated by this development to enable the S106 contribution to be used for the provision, improvement,</p>

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
			remodelling or enhancement of education facilities at this school or other schools within the locality of the development. Recommendation: CIL compliant
Leicestershire County Council Civic Amenity (Waste)	£7,751.00	Towards Development of adjacent land to reconfiguration of waste site - project MOU009.	The proposals would be directed to waste and recycling projects that would be related to the development Recommendation: CIL compliant
Charnwood BC Open Space	On site	Parks – 0.12ha in the form of a multi-functional green space area combined with the Amenity Green Space provision.	Appropriate provision will be provided on site in accordance with the aims of Core Strategy Policy CS15.
	On site	Natural & Semi Natural Open Space – 0.72ha On site	Recommendation: CIL Compliant.
	On site	Amenity Green Space (0.17ha) The monies would be spent as part of the strategic project at the former Allsopps Tip.	The proposals include amenity space and public realm as part of the proposals and therefore a contribution is not considered to be necessary to make the development acceptable. Recommendation: CIL Compliant.
	On site	Facilities For Children On site (suitable LEAP to be provided – Equipment and design	The proposals include an area for play equipment for children and young people who may be living within

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
		to be approved by CBC prior to commencement of development).	the development. Recommendation: CIL Compliant.
	On-site or £140,642.44	Facilities For Young People On site (suitable NEAP to be provided – Equipment and design to be approved by CBC prior to commencement of development). Or Off-site contribution of £140,642.44.	The proposals would be closely and reasonably related to the development. The level of contribution is considered reasonable in relation to the scale of contribution. Recommendation: CIL Compliant.
	£208,022.73	Outdoor Sports Facilities 0.93ha	The proposals would be closely and reasonably related to the development. The level of contribution is considered reasonable in relation to the scale of contribution. A potential area of spend is almost directly opposite the site. Recommendation: CIL Compliant.
	£17,109.35	Allotments 0.12ha	The proposals form part of the strategic project for improvement and therefore the proposals would be closely and reasonably related to the development. The level of contribution is considered reasonable in relation to the scale of contribution

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
			Recommendation: CIL Compliant.
Leicestershire County Council - Highways	£52.85 per pack	Travel Packs to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.	This would assist in promoting sustainable transport choices and the delivery of sustainable transport aims. Recommendation: CIL Compliant.
	6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); £360.00 per pass.	Bus Passes will be used to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car.	This would assist in promoting sustainable transport choices and the delivery of sustainable transport aims. Recommendation: CIL Compliant.

Organisation Requesting Contribution	Amount	Location of Spend	CIL Assessment
	£6,000	STARS Monitoring Fee	Having regard to case law in relation to monitoring fees (in particular Oxfordshire County Council v SSCLG [2015] EWHC 186) and the level of contribution sought in relation to the physical improvements, the level of monitoring fee is considered to be unreasonable in scale and based on a standardised fee. Therefore to seek the contribution would not be CIL compliant. Recommendation: Not CIL Compliant

Conclusion and Planning Balance

The application proposals seek outline planning permission for 150 dwellings on land off Barkby Road.

In the absence of a five year housing land supply Paragraph 14 of the NPPF advises that planning permission should be granted unless 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; or specific policies in this Framework indicate development should be restricted.

The level of growth in Other Settlements, that are identified in the adopted Core Strategy, and Queniborough itself, that has already delivered through planning permissions is significantly above the level envisaged within Policy CS1 and this is a material consideration in terms of the impact this has on the strategy for planned housing growth in the wider Borough. When combined with the level of cumulative housing growth and planning permissions and the impact on Queniborough in terms of its intrinsic character and identity the impact of the proposed development would cause significant harm.

The landscape value of the application site and its purposes, in terms of the Area of Separation identified in Saved Policy CT/4 and the Council's Green Wedges and Local Areas of Separation Study, identify the gap is of sensitive character and importance and therefore the loss of the application site would significantly and

demonstrably harm the individual identity of Queniborough and result in an increase in the perceived coalescence of Syston and Queniborough. The development of Millstone Lane, Syston and the neighbouring Industrial Estate have also been considered in terms of the existing character of the area.

The loss of best and most versatile agricultural land is also considered a negative aspect and the impact on protected species and their habitats are also a planning concern but could be mitigated through conditions and contributions if the development was considered to be acceptable.

The indicative layout would require refinement and enhancement to deliver a development of appropriate quality and a housing mix where needs are reflective of the Borough's housing need and to ensure that affordable housing is integrated with market housing.

The benefits arising from the development could include the contribution towards the Council's Housing Land Supply, the economic benefit arising from the construction of the new housing to the labour force and supply chain in the area, income to local shops and services from additional customers, provision of affordable housing, provision of bungalows for an ageing population and to meet a housing need, provision of Public Open Space including children's play, the provision of s106 contributions and enhancement to the Right of Way and sustainable travel initiative. The benefits carry a range of weights with the contribution to housing land supply considered to carry more than moderate weight and other benefits considered to carry minor weight.

However, it is considered that there are harmful impacts arising from the development, that cannot be satisfactorily mitigated, and these significantly and demonstrably outweigh any benefits arising from the development proposed.

Having carefully considered the application submission, all consultation responses and the views of neighbouring and nearby residents and the Parish Council, it is considered that the proposals are contrary to planning policy having taken into account relevant policies of the Development Plan, including policies CS1, CS2, CS3, CS11, CS12, CS13, CS14, CS15, CS17, CS18, CS24 and CS25 of the Core Strategy and saved policies ST/2, CT/1, CT/2, CT/4, EV/1 and TR/18 of the Local Plan and the associated guidance in Supplementary Planning Documents, and material considerations including and the aims and objectives of the National Planning Policy Framework and associated guidance and Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

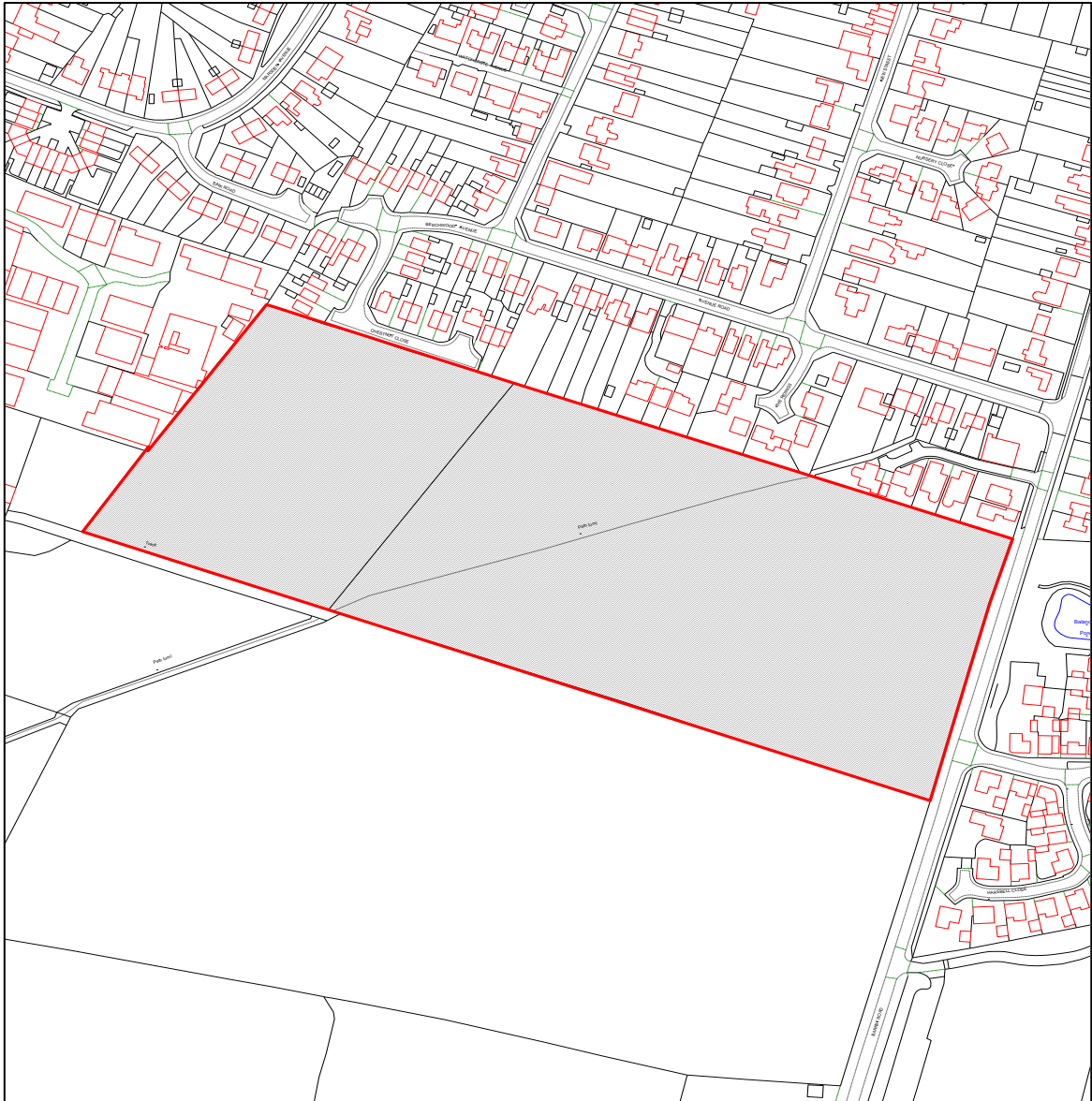
RECOMMENDATION

That planning permission be REFUSED for the following reasons:

1. Notwithstanding the Council's Housing Land Supply and the reduced weight that can be attached to policies for the supply of housing (being policy CS1 of the Core Strategy and saved policy ST/2 of the Adopted Borough of Charnwood Local Plan 1991-2006), the Local Planning Authority considers that the significant adverse

impacts of the development proposal outweigh the benefits arising from the development. Policy CS1 of the adopted Charnwood Local Plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies outside the limits on development of Queniborough and on Best and Most Versatile Agricultural Land. Queniborough is identified by Policy CS1 as being in the 'Other Settlement' category of its settlement hierarchy. There are currently commitments for in the region of 1,000 homes in the Other Settlements of which a significant proportion has been delivered or committed in and around Queniborough (notably opposite the application site). Policy CS1 identifies planned growth within Other Settlements should be at least 500 homes in the plan period from 2011 to 2028 which is sufficient to meet the levels of planned provision. Further growth between 2014 and 2028 was therefore expected through small scale infill developments. The proposal is not small scale and the application site is not considered as infill. Concerns about the cumulative pattern of growth and the impact on the Area of Local Separation would have an impact on the individual identity of Queniborough and Syston and result in coalescence between the settlements and the proposals would not respect and maintain the separate identities of towns and villages in accordance with Policies CS2, CS11, CS12 and CS14 of the Core Strategy and saved Policy CT/4 of the Adopted Borough of Charnwood Local Plan 1991-2006. As such, the proposal is considered to be contrary to Core Strategy Policies CS1, CS2, CS11, CS12, CS14 and CS 25, which seek to reflect the presumption in favour of sustainable development in a plan-led system contained in the National Planning Policy Framework. Furthermore it is contrary to saved Policies ST/ 2, EV/1, CT/1, CT/2 and CT/4 of the Adopted Borough of Charnwood Local Plan 1991-2006 and the proposals would significantly and demonstrably cause harm that are not outweighed by the planning benefits of the scheme.

2. In the absence of a signed Planning Obligation, although a Draft Heads of Terms is noted, the proposal fails to deliver an appropriate level of affordable housing and contributions towards sustainable travel, ecology, education, libraries, civic amenity, community facilities and open space and play provision that are necessary to make the development acceptable in planning terms. The proposals would be contrary to Policies CS3, CS13, CS17 and CS24 of the Charnwood Local Plan 2011-2028, Core Strategy (2015) and adopted Housing Supplementary Planning Document (2017) and Community Infrastructure Levy Regulations.



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