

Item No. 2

Application Reference Number P/20/1605/2

Application Type: Outline planning permission

Date valid: 12/10/2020

Applicant: Hallam Land Management Limited

Proposal: Outline application for erection of up to 200 dwellings, all matters reserved except access.

Location: Land at Melton Road
Queniborough
Leicestershire

Parish: Queniborough

Ward: Queniborough

Case Officer: Mark Pickrell

Tel No: 07852720913

Background

The application has been brought to Plans Committee by Councillor Daniel Grimley on the grounds of road safety and harm to the landscape of the area. The proposals relates to a major housing application outside the current limits to development.

Description of the site

The application site lies to the north west of Queniborough with Melton Road forming the southern boundary and New Zealand Lane to the west. The site surrounds Three Ways Farm with associated commercial buildings and caravan storage. The site has a total area of 10.2ha and is currently used for agriculture.

The site fronts Melton Road which links Queniborough with Syston, the A697 and East Goscote. To the north of the site is open countryside with the A607 and East Goscote beyond. The main built up area of Queniborough is to the east of Melton Road.

Most of the site is in Flood Zone 1 with the northern extremity within flood Zone 2. The site is in a designated Area of Local Separation with an archaeological alert area running east – west across the site.

Description of the Proposals

The application is an outline application for up to 200 dwellings, considering details of the 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 5.43 hectares and up to 200 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 37 dwellings per hectare.
- Up to 40% of the dwellings are to be affordable housing.
- One vehicular access from Melton Road (in western parcel).

- Two separate pedestrian access points – one from south western corner and one from south-east in vicinity of Syston Road junction.
- Surface water drainage features including swales along western boundary and balancing pond in the north of the site.
- The provision of 4.84ha of green infrastructure, equating to approximately 40% of the total site area
- Provision of recreational routes through the site along with provision of new landscape habitats and areas of open space.
- Provision of publicly accessible ‘pocket parks’.
- Provision for new children’s play area
- Retention of existing trees and hedgerows (where not required to be removed for access)
- Provision of new trees and planting as part of a landscaping scheme

The application is supported by the following documents:

- Development Framework Plan
- Indicative Layout Plan
- Green Infrastructure Principles Plan
- Design and Access Statement
- Flood Risk Assessment
- Sustainable Drainage Statement
- Transport Assessment and Interim Travel Plan
- Archaeological Desk Based Assessment
- Agricultural Land Classification Report
- Phase 1 Ecological Appraisal
- Bat Report
- Arboricultural Assessment
- Landscape and Visual Assessment
- Phase 1 Geo-Environmental Assessment
- Consultation Statement

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

- Provision of dwellings in a sustainable location
- Contribution towards the council’s 5 year housing land supply
- Provision of up to 40% affordable housing
- New areas of public open space (in excess of policy requirements) including amenity open space, a children’s play area and new walking / cycling routes
- Biodiversity enhancements where possible
- Sustainable drainage measures including a new pod which could provide additional ecological enhancements through supporting wetland habitats
- Additional tree planting and hedgerow improvements
- A number of highway benefits including sustainable transport benefits
- Significant developer contributions towards a number of local requirements
- Wider economic benefits, including construction jobs

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 primarily to the Leicester Principal Urban area, Loughborough and Shepshed with three Sustainable Urban Extensions. Seven service centres are identified to deliver 3,000 houses. Queniborough is one of 12 settlements classed as 'Other Settlements' which, collectively, are expected to provide at least 500 dwellings within settlement boundaries over the plan period. Small Villages and Hamlets will be protected for development supporting local needs.

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 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 using 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)

The saved policies of the Local Plan (2004) are more than five years old and, similarly to the Core Strategy, do not carry full weight. However, it is considered that those saved policies are still considered to be consistent with the aims and objections of the NPPF and the more recently adopted Core Strategy and therefore carry some weight.

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 streetcar parking.

Other material considerations

The National Planning Policy Framework 2019 (NPPF)

The National Planning Policy Framework sets out the Government's planning policies for England. The Framework is to be read as a whole and paragraph 2 confirms *'that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'*

Section 2 sets aims to achieve sustainable development. The framework identifies the economic, social and environmental objectives of the planning system to build a strong responsive economy by ensuring land (and presumably buildings) of the right type is available in the right place at the right time, supporting the health of the community by ensuring sufficient housing for present and future generations in a well-designed, safe and accessible environment as well as protecting and enhancing the natural, built and historic environment. At a high level, the objective is summarised as *'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'*

Paragraph 11 details the presumption in favour of sustainable development and states that, for decision taking, this means *'approving development proposals that accord with an up-to-date development plan without delay'* or, where policies of a Development Plan are out-of-date, granting 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.'*

Paragraph 12 clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Section 4 relates out decision making and paragraph 48 sets out the weight to be given to emerging policy. It states *'Local planning authorities may give weight to relevant policies in emerging plans according : a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight it may be given; b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given; and the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

Paragraph 13 relates to neighbourhood plans and state that *'Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'*

Paragraph 14 goes on to state that *'In situations where the presumption (in paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, providing the following apply:*

- a) *The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) *The neighbourhood plan contains policies and allocations to meet its identified housing requirement;*

- c) *The local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73; and*
- d) *The local planning authority's housing delivery was at least 45% of that require over the previous three years.*

Section 5 sets out the approach to delivering a sufficient supply of homes. In particular, paragraph 73 sets out the approach to maintaining supply and delivery of homes and states '*Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where strategic policies are more than five years old.*'

Section 8 seeks to promote healthy and safe communities and sets out that planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport sets out that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 104). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 109).

Section 11: Making effective use of land Paragraph 117 states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Section 12: Requiring well-designed places. The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124). Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The role of design review arrangements that assess, support and ensure high standards of design are recognised (paragraph 129) and the NPPF notes that great weight should be given to innovative designs which help raise the standard of design (paragraph 131) and that poor design should be refused (paragraph 130).

Section 14: Meeting the challenge of climate change, flooding and coastal change sets out that new development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

Section 15: Conserving and enhancing the natural environment makes provision for planning decisions to contribute to and enhance the natural and local environment by measures including protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and the benefits from natural capital and ecosystem services.

National Planning Practice Guidance

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

Of particular relevance to neighbourhood planning, the PPG was updated in September 2020 to refer to changes introduced to neighbourhood planning in response to the coronavirus pandemic. Paragraph 107 (ref. ID 41-107-20200925) states that *'Where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.'*

The Draft Local Plan

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2036. The new local plan will include strategic and

detailed policies and will be prepared to provide for a longer plan period than the adopted Charnwood Core Strategy which provides the strategy up to 2028.

Consultation on preferred options of the Local Plan took place in November 2019 and is in the process of preparing an updated version, taking into account comments received during consultation. It is anticipated that an updated draft of the new local plan will be published for consultation in summer 2021.

The draft Local Plan allocated sites for development to meet the strategic aims of the Borough. This includes the allocation of residential development sites based on an assessment including housing need, availability of services and facilities, landscape impact and deliverability.

The draft Local Plan preferred options included Policy LP3 Housing Sites with an allocation for up to 100 dwellings on part of the site subject to this application at Three Ways Farm (ref. HS72). A further allocation was proposed for land to the east of the site, known as Land off Melton Road (HS71), with capacity for 55 dwellings.

It is important to note that these housing allocations do not form part of the adopted local plan and the draft local plan is at a reasonably early stage and the allocations have been subject to objections and these allocations may or may not survive into the Regulation 19 version of the draft local plan or indeed through public examination. As such the draft Local Plan can only be given very limited weight.

Draft Queniborough Neighbourhood Plan

The Queniborough Neighbourhood Plan is at a stage where it has been agreed that it can proceed to referendum. As part of the national response to the pandemic the Government issued The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 and has altered the PPG to account for instances where neighbourhood plans could proceed to referendum but are prevented from doing so by current circumstances.

It is noted that the independent examiner recommended some modifications to the neighbourhood plan which have now been made and Charnwood Borough Council issued a decision statement dated 1st March setting out that the plan can proceed to referendum on 6th May. Whilst progress of the Queniborough Neighbourhood plan has been able to proceed during the Covid-19 postponement, further progress to referendum cannot occur until May 6th. In such circumstance, the PPG states that plans can be given significant weight in decision-making where they are material.

Policy Q1: Parking requires that new development adheres to CBC's parking standards.

Policy Q5: Infrastructure supports new development where it contributes to new or improved infrastructure.

Policy Q6: Countryside and Landscape seeks to protect the character of the landscape and countryside. Countryside is defined as areas outside of the Limits to Development where new development will be required to protect the character of the landscape and maintain the separate identity of Queniborough, Syston and East

Goscote, unless the land is allocated for development in a development plan document.

Policy Q7: Green Infrastructure and Q8: Ecology and Biodiversity seek to protect and enhance green infrastructure assets and local ecological features and habitats. Q8 requires new development to demonstrate an overall net gain in biodiversity.

Policy Q11: Homes in the Countryside seeks to limit development outside of the designated Limits to Development except for rural exception housing, rural worker accommodation and re-use of rural buildings. It should be noted that the Examiner recommends that this policy be deleted as it repeats existing policy.

Policy Q12: Housing mix requires new developments of five or more dwellings to demonstrate how it will meet the housing needs of older households.

Policy Q14: Design seeks to ensure that new development reflects the distinctive and traditional character of Queniborough.

Landscape Character Assessment (July 2012)

The settlement of Queniborough lies within the Wreake Valley Landscape Character Area. The key characteristics of this assessment include the meandering river valley of the River Wreake, mixed farming and the engineered embankments accommodating the carriageways of the A46 and A607. The landscape of the eastern portion of the landscape character assessment is predominantly rural, although Leicester and Syston contribute urbanising influences in the west.

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.

ARUP Green Wedges and Local Areas of Separation Study Addendum (May 2019)

This addendum report was commissioned by Charnwood to review and to respond to the representation received in response to consultation on the Green Wedges and

Areas of Local Separation report with the aim of assisting their consideration of making or amending designations in the emerging Local Plan.

In relation to ALS-J and representations received on behalf of the applicant in this case Arup's response found that *'ALS-J provides a critical gap between Queniborough, East Goscote and Syston. The proposed boundaries of the A607 to the north and Melton Road to the south for the northern area of the ALS provide strong physical and landscape elements along which to define the edge of the designation as proposed in the original study. Whilst trees and vegetation can add to the sense of containment, they cannot always be relied on as a strong and durable boundary due to seasonal variation (leaf coverage). Therefore, the boundary is deemed to be correct at the time of assessment.'*

Arup do not recommend any alterations to the area of separation following their updated assessment.

LUC Landscape Sensitivity Assessment of SHLAA Sites (2019)

This report forms part of the evidence base for the emerging Local Plan and provides an independent assessment of the landscape sensitivity of sites submitted through the SHLAA process, including the site subject of this application (SHLAA ref. PSH42).

The assessment notes that the site is strongly influenced by the wider agricultural setting and the site retains rural characteristics, despite their close association with existing development.

The overall assessment of landscape sensitivity to the development scenario of 2 – 3 storey residential housing is classified as 'moderate'. It is noted that potential mitigation for future development in the area could include increased tree cover at the settlement edges to enhance the well wooded character of Queniborough and self-contained character of the Wreake Valley.

The National Design Guide (2019)

This document sets out the Central Government's design guidance which is intended to encourage, promote and inspire a higher standard of design in respect of development proposals.

Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality

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. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Charnwood Design SPD (2020)

The adopted in Design Supplementary Planning Document is a working document intended to encourage, promote and inspire higher design standards in development throughout Charnwood.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications

Design Supplementary Planning Document (January 2020)

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.

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 (Criteria10(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 considered when determining a planning application for a development that does not meet all 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

The site has been subject of a previous outline planning application as follows:

P/18/0611/2 - Outline planning application for up to 220 dwellings with associated road infrastructure, landscaping, drainage and associated works (considering access from Melton Road only with all matters reserved) – Refused 09/11/2018

The above application was refused on two grounds, summarised as follows:

- 1) The proposal is not small scale and not within the settlement boundary and neither has a local housing need been demonstrated. As such the development was contrary to Core Strategy policies CS1 and CS25 and Saved Local Plan policies CT/1, CT/2 and ST/2
- 2) The proposed development would cause substantive and significant harm to the Area of Local Separation between Queniborough and East Goscote and would be contrary to Saved Local Plan policies CT/1 and CT/4 and the aims of the NPPF.

An appeal against the above application was submitted based on issues including the Council's five year housing supply at the time but the appeal was subsequently withdrawn.

Response of Statutory Consultees

Queniborough Parish Council – Object for the same reasons as the 2018 application was refused and is premature as it should be considered after the Neighbourhood Plan has been examined.

Queniborough Neighbourhood Plan Steering Group – Object for the same reasons as the 2018 application was refused and is premature as it should be considered after the Neighbourhood Plan has been examined.

East Goscote Parish Council – Object on the grounds of being contrary to the Local Plan, traffic, Area of Separation, flooding, infrastructure constraints on sewerage and surface water and infrastructure.

Syston Town Council – Object on the grounds of the development being unsustainable, increased traffic, increased strain on Doctor's surgery, schools and parking in Syston Town Centre.

Barkby and Barkbythorpe Parish Council – Object on the grounds of traffic impact, impact on local services and facilities, landscape and integrity of local villages.

Barkby and Barkbythorpe Parishes Action Group (BABTAG) - Object on the grounds of traffic impact, impact on local services and facilities, landscape and integrity of local villages.

LCC Highways – The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with NPPF paragraph 109, subject to conditions and S106 contributions for improvements to bus stops on Melton Road, travel packs, bus passes, appointment of a travel plan coordinator and monitoring.

LCC Education and Early Years – The site falls within the catchment of Queniborough C of E Primary School which is an academy and has capped its admission and does not want to expand. Because the in-catchment school will not expand to meet the pupil yield from this development some flexibility is requested in the use of the S106 funding generated by this development, should permission be granted, to enable the S106 contribution to be used for the provision, improvement, remodelling or enhancement of education facilities at St Peter and St Paul C of E Academy Primary School or any other school within the locality of the development or towards the construction of a new school. S106 contributions for primary schools (£671,232), Special School (£112,896.86) and Early Years (£151,419) (based on 200 dwellings).

CBC Affordable Housing - 40% to be affordable (80 dwellings based on 200 dwellings being provided at RM stage)

NHS – No objection subject to S106 contributions to make improvements to increase capacity at The County Practice (£28,365.48) and Jubilee Medical Practice (£27,217.08). Total of £55,582.56 based on 200 dwellings.

LCC Waste Management – S106 contributions required (see below)

LCC Libraries – S106 contributions required (see below)

Lead Local Flood Authority – No objections subject to conditions

CBC Biodiversity – No objections subject to conditions

CBC Environmental Health – No objections based on submitted Air Quality Assessment

CBC Open Spaces – Recommends that details meet standard provisions and contributions towards off site facilities where appropriate.

CBC Trees and Landscape – Have raised concerns about the impact of the development on the area of local separation, and have requested that if planning permission is granted a robust scheme for landscape mitigation is secured.

Campaign for the Protection of Rural England – Object for reasons of refusal for P/18/0611/2, contrary to policy, even if CBC do not have a 5 year housing land supply, contrary to policies relating to ‘other settlements’ and negative impact on sustainability and climate change.

Sport England – No comment

Environment Agency – No comment

Natural England – No comment

CBC Land Drainage – No comment

Central Network – No comment

Leics and Rutland Wildlife Trust – No comment

Severn Trent Water – No comment

LCC Minerals – No objection

Historic England – No comment

Third Party Representations

A total of 193 neighbours were consulted as part of this application. At the time of writing 39 objections have been received. No letters of support have been received.

A summary of the issues raised in the objections is provided below:

- Lack of capacity in local services, including schools and doctor’s surgery
- Impact of additional traffic on Melton Road and associated impact on key junctions in locality, including Syston Road roundabout
- Impact on the area of separation between East Goscote
- The development would result in too many access onto Melton Road which would harm highway safety
- Limited access to employment in Queniborough to support the amount of development
- Inadequate shopping facilities in the area to support the development
- Impact on drainage and flooding
- Impact on ecology, including protected species and birds
- The application is not infill development, as required by policy

- There has already been significant development in Queniborough and the village can't sustain further development
- The Core Strategy requirement for 'other villages' to provide a total of 500 dwellings has already been exceeded
- The development would cause traffic noise and pollution
- The development would compromise safe pedestrian and cycle access along Melton Road
- The development would detract from the character of the village
- The development would be contrary to the emerging Neighbourhood Plan
- Loss of green space
- Loss of privacy
- Loss of habitat
- Increase risk of crime
- Already have the development at Millstones and Barkby Road, there is no need for more housing in Queniborough

Leicestershire County Councillor (James Poland) – Objects on basis of refusal reasons on 2018 application and development being contrary to emerging Neighbourhood Plan

MP Argar – Objects for the reasons of 1) there having been extensive development in the village which is already placing a strain on local services and facilities 2) that infrastructure in the village is already at capacity 3) loss of green space and biodiversity and 4) erosion of Area of Local Separation. Recommends refusal on same grounds as 2018 application.

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

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Draft Queniborough Neighbourhood Plan (due to the current pandemic and associated temporary planning guidance). It is acknowledged that several of these plans are over 5 years old and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice such that there is no reason for them to be given reduced weight.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (4.1 years) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of NPPF paragraph 11 d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case, although there is an area of separation designated via the Local Plan and the Neighbourhood Plan, it is not an area specifically protected by the NPPF. The site is also recognised within the neighbourhood Plan as of archaeological importance but this is not considered to be a non-designated asset demonstrably of equivalent significance to a scheduled monument. For these reasons it is not considered by officers that in this instance paragraph 11 d) i) would apply.

In situations where NPPF paragraph 11 d) of the presumption applies consideration should be given to NPPF paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. The Queniborough Neighbourhood Plan has recently been subject of a decision statement that it can proceed to referendum on 6th May but does not technically form part of the development plan at the current time. Whilst the Neighbourhood Plan does not meet the requirements of NPPF paragraph 14 a) as it has not been through referendum and does not form part of the development plan, it is considered to meet the provisions of paragraph 14 b), c) and d). As it has reached an advanced stage in its preparation, and crucially one where an independent examiner has found it sound, it can be given significant weight in accordance with the PPG and ministerial statement.

This application is for outline planning permission with all matters reserved except for access, as explained at the beginning of this report, the key considerations are as follows:

- Principle of development and housing land supply
- Landscape and settlement character
- Impact on Queniborough as an 'other settlement'
- Highways and transport impact
- Layout and the indicative masterplan
- Relationship to neighbouring properties
- Flooding and drainage
- Ecology wildlife and trees
- Loss of best and most versatile agricultural land
- Infrastructure

Principle of development and housing land supply

The site is adjacent to New Zealand Lane and surrounds Three Ways Farm but is outside of the limits to development as defined by policy ST/2 of the Local Plan (2004) and abuts countryside to the north and east. As such, the proposals would conflict with the development strategy set out in CS1 as it would not be small scale infill development within the settlement boundary. It would also be contrary to Policy ST/2 which seeks to confine development to allocated sites and other land within limits to development.

The site is located in an Area of Local Separation (ALS), as defined in the Local Plan. Saved policy CT/4 and CS11 seek to protect and maintain the undeveloped character

between settlements, unless new development clearly maintains the separation between the built-up areas. In this case, the site is located within ALS-j which seeks to retain separation between Queniborough, Syston and East Goscote. The closest village to the site is East Goscote, which is approximately 450m from Melton Road or 200m from the northern boundary of the site, with the A605 in between. Whilst the development would be within the Area of Separation, the policy does not preclude the principle of all development as the wording recognises that some development may be acceptable if it clearly maintains separation. Consideration of the proposals therefore needs to be based on whether the proposed development, including the indicative layout, would fail to protect and maintain the area of separation and, if it does, whether this constitutes a significant and adverse impact in terms of the NPPF paragraph 11 d)'s 'tilted balance'.

The Queniborough Neighbourhood Plan has been through independent examination and a decision statement has been issued by Charnwood which states that the plan can proceed to referendum when the Government's postponement ends. In line with the PPG, the policies of the neighbourhood plan can be given significant weight.

As the neighbourhood plan is not part of the development plan NPPF paragraph 14 a) has not been met. Nevertheless, it is reasonable to consider the other provisions of NPPF paragraph 14 to understand the wider context. In terms of NPPF paragraph 14 b) the neighbourhood plan allocates a site for development and, along with current and extant permissions, states that it has made provision to meet the housing need set out in the current Core Strategy. In terms of NPPF paragraph 14 c) and d), as of November 2020, CBC were able to demonstrate 4.1 years housing land supply and a housing delivery rate of 132%. As such, it is in accordance with NPPF paragraph 14 c) and d). On that basis, other than 14 a), the provisions of NPPF paragraph 14 would be met if the plan were to progress through referendum. As the neighbourhood plan does not form part of the development plan the tilted balance of NPPF 11 d) is unaffected and any harm caused as a result of conflict with the policies fall to be considered as part of the planning balance.

Similarly to the Local Plan and Core Strategy, the Queniborough Neighbourhood Plan designates the site as being outside of the limits to development and therefore in the countryside where policy Q6 seeks to protect the character of the landscape and maintain the separate identities of villages, in line with the provisions of CS11.

In light of the Core Strategy being out of date and the Council no longer being able to demonstrate a five year housing land supply the adopted development plan policies which restrict the supply of housing, including Policy CS1, CS11, ST/2 and CT/4, are only to be given moderate weight in the consideration of this application.

The Council are in the process of preparing a new Local Plan, but this is in the early stages of preparation and policies relating to the delivery of housing and allocated housing sites are subject to objections and the plan has not been submitted to the secretary of state. The policies contained therein can only be given very limited weight in the determination of this application. It is noted, however, that part of the site was proposed for an allocation of 100 dwellings with substantial structural landscaping. Although the allocation and policies can only be given very limited weight, the evidence base indicates that housing need may outweigh a degree of harm to the area to the extent that it would be able to sustainably support up to 100

dwellings, subject to landscape mitigation and any other considerations being satisfied.

The evidence base to support the preparation of the new Local Plan has been updated since consultation on the preferred options version of the emerging Local Plan with various reports to assess current issues in the Borough. The reports focus on individual issues in isolation and have not been tested through consultation and examination and therefore cannot be given weight in the determination of this application. They do, however, provide important assessments of specific issues affecting the area. Of particular note is the Green Wedges and Areas of Local Separation Review (Arup 2019) which finds that the site is of moderate landscape value and that the underlying reasons for allocating the area as an Area of Separation remain applicable with Melton Road providing a strong physical boundary to the built up area of Queniborough. Also of note is the LUC assessment of the landscape sensitivity of the SHLAA sites. The assessment notes that this site is strongly influenced by the wider agricultural setting and the site retains rural characteristics, despite their close association with existing development. The overall landscape sensitivity to residential development is classified as 'moderate'.

In relation to the adopted development plan the proposals are contrary to the policies of the Core Strategy and the saved policies of the Local Plan in that it is a major housing development on a site that is outside of the settlement boundary. It is within an area of separation recognised for its importance in protecting the individual characteristics of the settlements and where the principle of development is restricted unless it is shown that it would protect the appearance of openness. However, these policies can only be given moderate weight in terms of the NPPF paragraph 11 d)'s 'tilted balance'. The emerging Queniborough Neighbourhood Plan also restricts development outside of the defined settlement limits and restricts development in areas of separation unless the appearance of openness is protected and policies can be given significant weight, albeit still in the terms of the 'tilted balance'.

The need to significantly boost housing supply is a material consideration that must be given weight in the planning balance and, as set out in NPPF paragraph 11 d), development should be permitted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

In this case the planning balance needs to take into account the following issues:

- The need to increase housing land supply.
- The sustainability of Queniborough as an 'other settlement' and its ability to support the proposed scale of development.
- The impact of the development on the character and appearance of the countryside; and
- The impact on the individual character of Queniborough.

In terms of overall principle, the proposal would result in the provision of up to 200 dwellings at a time when the Local Planning Authority cannot demonstrate a five year housing land supply and, although there is conflict with the Development Plan and emerging neighbourhood plan, the provision of housing is a significant material consideration that weighs in its favour. However, it is still necessary for the proposals to demonstrate that all other considerations would not constitute significant or adverse impacts that would outweigh the presumption in favour of sustainable development. In

particular, the development plan and emerging neighbourhood plan policies require that the proposals demonstrate that the character and appearance of the countryside between Queniborough and East Goscote would be protected and maintained. These issues are assessed in more detail alongside other material considerations below.

Landscape and Settlement Character

In terms of the Core Strategy, saved policies of the Local Plan and the emerging neighbourhood plan this site is outside of the settlement limits of Queniborough and within a designated area of separation (ALS-J) where Core Strategy CS11, saved Local Plan policies CT/1, CT/4 and QNP policy Q6 apply. These policies set out that development will be restricted except in the circumstances that the scale and design of the development would ensure that the predominantly open and undeveloped character of the area is protected and maintained.

It is noted that a scheme for up to 220 dwellings (ref. P/18/0611/2) was refused planning permission in 2018 on the basis that the site was outside of the settlement boundary and would cause harm to the area of separation and was therefore contrary to policies of the Core Strategy and saved policies of the local plan. Each application is to be determined on its own merits but it is recognised that the current application seeks to address the previous reasons for refusal and proposes a reduced number of dwellings, for up to 200, and includes a development framework plan (FPCR ref. 6231-L-06_F) which shows that the site has the potential to provide dwellings, access, SuDS, recreational routes (walking and cycling) and a relatively substantial green infrastructure and landscaping along northern and eastern boundaries.

The actual detail of scale, design and layout, as well as landscaping, would be assessed through reserved matters, however, the current application includes a Landscape and Visual Appraisal (FPCR, Aug 2020) which, based on the potential landscaping and indicative layout, finds that the landscape character has the potential to absorb the development and concludes that *'the proposed development would not result in any unacceptable long-term harm on landscape character and visual amenity.'*

The site's location in an area of separation is of particular importance. The ARUP Green Wedges and Areas of Local Separation Addendum (May 2019) provides a recent assessment of the value of the area of separation between Queniborough and East Goscote to the character of the area in direct response to the promotion of this site through the Local Plan process. In relation to SHLAA site ref. PSH42 (this site) and the area of separation ref ALS-J, the ARUP report states:

'ALS-J provides a critical gap between Queniborough, East Goscote and Syston. The proposed boundaries of the A607 to the north and Melton Road to the south for the northern area of the ALS provide strong physical and landscape elements along which to define the edge of the designation as proposed in the original study. Whilst trees and vegetation can add to the sense of containment, they cannot always be relied on as a strong and durable boundary due to seasonal variation (leaf coverage). Therefore, the boundary is deemed to be correct at the time of assessment.'

A landscape sensitivity assessment of SHLAA sites (LUC, March 2019) includes an assessment of this site (PSH446). The assessment breaks down the elements of the countryside around the site and provides an independent assessment of its sensitivity to development. In terms of perceptual and experiential qualities on a scale of low, moderate or high, the assessment finds that the site is of moderate sensitivity to development due to it retaining *'rural characteristics, despite their close association with existing development'*. In terms of form, density, identity and setting of existing settlement / development the site is noted to *'play a positive role in maintaining the separation and identity of Syston and Queniborough'* and is of moderate sensitivity to development. The overall assessment of landscape sensitivity to a development scenario based on 2 – 3 storey residential housing was found to be 'moderate' though it was noted that there are opportunities for mitigation or landscape enhancement by increasing tree cover at the settlement edges to enhance the well wooded character of the village and the self-contained character of the Wreake Valley.

Whilst very limited weight can be assigned to the emerging Local Plan, the preferred options consulted on in 2019 proposed the allocation of part of this site for up to 100 dwellings (HS72) with the northern boundary of the built form not extending further than the northern boundary of Three Ways Farm and the provision of substantial landscaping. This indicates that a degree of landscape impact could be accepted to enable the provision of housing but that this should take into account the existing built form in the area and should be heavily landscaped.

As set out in the Policy section, above, the Queniborough Neighbourhood Plan can be given significant weight and includes policy Q6: Countryside and Landscape which seeks to protect the character of the landscape and countryside, including maintaining the open and undeveloped character of areas of separation in line with CS11. This site would be outside of the settlement boundary and would therefore be contrary to QNP policy Q6 unless it is demonstrated that the separate identities of Queniborough and East Goscote are maintained.

The proposals seek to address the sensitive location with a development framework plan that includes potential for significant structural landscaping. It is reasonable to expect that full details of landscaping could be secured through reserved matters if the principle of development is agreed. A substantial landscaping area, retention of existing trees and the inclusion of green spaces within the site could soften the impact of the development on the appearance of the area to a degree. It could also help create a defensible boundary to the northern edge of the Queniborough. However, given the size of the site and the extent by which it extends north from Melton Road into a relatively narrow strip of countryside, the development would have an impact on the character of the countryside and would present an encroachment into the area of separation.

It is noted that the site would extend as far as properties on New Zealand Lane but, as New Zealand Lane is an isolated finger of development in the village, this does not represent the general character of the area and the overall depth and breadth of this site would encompass existing development at Three Ways Farm and would result in a different impact on the countryside than existing development. The site would extend notably further than existing buildings at Three Ways Farm and, whilst those commercial buildings are relatively independent from the surrounding development and well screened from the highway and surrounding views by existing planting, the overall scale of the proposals would have a greater impact on the character of the

area than existing development and extend the built form significantly closer to East Goscote.

It is officer's opinion that the overall scale of the development would present an incursion into a narrow section of countryside between Queniborough and East Goscote. It is reasonable to expect that the amount of landscaping shown on the illustrative layout could mitigate the impact from outside views of the site to a certain extent but the overall scale of housing in this location would still have an impact on the countryside, particularly when viewed from Melton Road. It is therefore considered that the extent of built development reaching to within approximately 240m of the southern edge of East Goscote would have an adverse impact on the area of separation such that it would detract from the separate identities of the villages which would be contrary to Core Strategy Policy CS11, saved Local Plan policies CT/1 and CT/4 and emerging neighbourhood plan policy Q6.

The weight given to the impact on the landscape and area of separation is to be considered in the planning balance of NPPF paragraph 11 d) as to whether it is significant and adverse such that the harm outweighs the benefits of providing much needed housing in a sustainable location. It is officer's opinion that the impact of the development on the appearance of the countryside and the purposes of the area of separation can be mitigated through substantial landscaping such that the harm would not be significant and demonstrable in its own right. Nevertheless, the proposals would have a degree of harm which is to be considered in the overall balance.

Impact on Queniborough as an 'other settlement'

Queniborough is defined as an 'other settlement' in the Core Strategy. The supporting text for policy CS1 defines an 'other settlement' as having four or more services and facilities that could serve some day to day needs of the people that live there but otherwise do not have a good range of services or facilities. Some development was envisaged as part of the Core Strategy to protect and potential increase the services and facilities within the 'other settlements'.

Policy CS1 makes provision for small scale infill development within the village. However, with potential for up to 200 dwellings and the site being located outside of, but abutting, the settlement boundary this site cannot be considered to be small scale or infill. As such it would be contrary to policy and the supporting text which sets out that the level of services and facilities available in the village is inadequate to support growth of this scale.

This application has been subject to consultation with LCC Education and the NHS. In terms of educational needs, this development would give rise to up to 60 x primary school pupils, 3 x 11-16 year olds and 7 x post 16 pupils. There is an existing undersupply of primary school places in the vicinity and LCC Education are required to make provision for the needs arising from this development.

LCC Education have advised that the nearest primary school to the site is Queniborough Church of England but that the academy is at capacity and has chosen not to expand. There is an existing deficit in the area but there is potential to extend St Peter & St Paul Church of England Academy primary school to accommodate the demand created from this site instead, subject to S106 contributions of being agreed.

There is existing capacity at Wreake Valley Academy to accommodate secondary and post 16 education pupils from this development such that contributions are not necessary to address the need for post primary school children from this development. Early years providers are available in the vicinity but capacity is limited and any deficit could be overcome through S106 contributions, subject to agreement.

In terms of impact on health care, the NHS have advised that there is limited capacity at The County Practice and Jubilee Medical Practice to be able to accommodate the additional demand from this development. However, the consultation response sets out that S106 contributions could facilitate the extension of these practices to meet the additional demand which would be generated by this development.

The development would create additional demand on open spaces and civic amenity. However, similarly to education and NHS needs, S106 contributions could allow improvements to facilities to cope with the extra demand from this development. Details of S106 contributions are set out below.

The limited range of services and facilities in Queniborough would result in residents of this site being required to travel for the rest of their day to day needs but S106 contributions can reasonably mitigate the additional demand on specific local services and facilities that could arise from this development to the extent that officers are content that the development would not cause significant adverse impact on the capacity of local services and facilities that cannot be mitigated by financial contributions. Furthermore, the site is located close to existing bus routes and cycle path along Melton Road which provide sustainable routes to Syston town centre such that alternative options for transport are available.

Subject to S106 agreement to secure appropriate obligations, the proposals are considered to be in accordance with CS3, CS13, CS15, CS17 and CS2, NPPF paragraphs 54 – 56 and CIL 122 regulations.

Highways

Policy CS2 of the Core Strategy seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposal seeks approval for access which would be via a T junction onto Melton Road and is accompanied by a Transport Assessment and safety audit. The statement identifies a maximum traffic count for the proposals and suggests a maximum increase of 113 vehicles movements during 08:00 to 09:00 and 129 vehicle movements between 17:00 and 18:00 based on the maximum of 200 dwellings being built.

Following initial objections from LCC Highways, further information was submitted by the applicant on 5th February, including detail of off-site works to improve capacity at the A607 / Melton Road roundabout. These include improvements which consist of lane markings extended to direct traffic to use both lanes, existing splitter island west of the roundabout reconfigured, taper lengths reduced and merging arrow road

markings. The improvements are demonstrated in the proposed A607 / A46 / Fosse Way Roundabout Improvements drawing no. F20051/05 Rev A.

Based on the additional information, LCC Highways are satisfied that safe access to the site can be achieved and that the traffic impacts generated by the site can adequately be addressed by off-site highway improvements to the extent that there are no highway objections, though this is subject to details being secured through conditions and S106.

This application is for outline consent with all matters reserved except for access. The access onto Melton Road is suitable and the impact of additional traffic on the local highway network is acceptable, subject to improvements which could be secured through conditions and S106. On that basis, the proposals are considered to comply with policies CS2, CS17, TR18 and paragraph 109 of the NPPF.

Housing mix

Policy CS3 of the Core Strategy and policy Q12 of the Queniborough Neighbourhood Plan help define housing mix for this site. Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the up to 200 (up to 80) units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed. Policy Q12 requires new housing development to have regard to recent assessments of housing need within Queniborough with particular focus on older households and smaller homes.

These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposal is in outline and includes heads of terms to provide 40% affordable homes. The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that a condition could be used to do this.

The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

<i>Affordable</i>	
1 bed	40-45%
2 bed	20-25%
3 bed	25-30%
4+ bed	5-10%

Market	
1 bed	0-10%
2 bed	25-35%

3 bed	45-55%
4+ bed	10 - 20%

It is suggested that a size mix profile should be detailed through reserved matters to take this into account and an appropriate mix can be secured via condition. Locally identified need and the character of the area could be achieved although care would need to be taken (as per CS3) to ensure that the appearance of the area of separation is protected.

It is considered that a proposal which complies with CS3 and Q12 could be achieved. The provision of up to 80 affordable units is also a benefit of the scheme which weighs within the planning balance.

Layout and indicative parameters plan

The application is for outline consent with all matters reserved except for access. The submission documents include an indicative layout, parameters plan and design and access statement. These documents set out the potential scale and density of development on the site along with potential recreational space, drainage and landscaping.

Whilst the detail of layout and house design would cumulatively define the character of the development and could be determined through reserved matters, it is reasonable to expect that the general layout of the site could provide for up to 200 dwellings (subject to details of density and house types) whilst meeting the drainage and recreational needs of the development. Furthermore, the sensitive location of the site within an area of separation has sought to be addressed through soft landscaping along the northern and eastern boundaries. The details of landscaping would need to be thoroughly assessed by condition to ensure that it maximised potential to protect the appearance of separation but, based on the information provided, there is scope for the development to achieve a design and layout that makes incorporates a degree of mitigation for any impact on the location.

The indicative details demonstrate that there is potential for an appropriately designed development to be achieved at this site. It also is reasonable to expect that a condition be included in any approval that requires any future reserved matters to be in broad accordance with the parameters plan. It is, therefore, officer's opinion that the indicative design and layout is acceptable and is in accordance with Core Strategy CS2, saved policy EV/1, emerging Queniborough Neighbourhood Plan Policy Q14 and the overarching aims of the NPPF section 12.

Relationship with neighbouring properties

The site is located to the immediate east of properties on New Zealand Lane and existing buildings and dwellings around Three Ways Farm.

The indicative layout seeks to respond to these and existing easement requirements by retaining space along the western boundary of the site to provide swales and recreational routes through the site. The resultant distance between potential

dwelling and existing property is likely to be adequate to protect residential amenity, subject to the detailed design and layout of the development.

Existing planting around Three Ways Farm is shown to be retained which would help protect the character and appearance of existing premises whilst also allowing reasonable amenity for potential residents of the development site.

Whilst it is appreciated that development of the site would result in a significant change to the appearance of openness in the area for existing dwellings and the detailed design and layout of the development can only be assessed through reserved matters and, the indicative plan demonstrates that it would be possible to develop the site without causing significantly adverse impacts on the residential amenity and privacy of existing properties.

Flood risk and drainage

The majority of the site is located within flood zone 1 with the lowest risk of flooding. However, part of the northern aspect of the site is within flood zone 2. Policy CS16 of the Core Strategy seeks to ensure that the development is not at risk of flooding and that it does not cause flood risk elsewhere.

The application includes a Flood Risk Assessment which provides a detailed assessment of the site and potential drainage solutions. The indicative layout includes potential SUDS features throughout the site based on topography with a primary drainage basin in the northern aspect of the site. The LLFA agree that the proposals make adequate provision for drainage within the site and that adequate investigation has been undertaken to inform any future reserved matters relating to the detailed design and layout of the site.

It is noted that part of the site is within flood zone 2, however, the area with the highest risk of flooding could reasonably be located away from residential areas and could be used to create a 'soft' edge to the northern boundary. The parameters plan indicates that this could also serve as a recreational route through the site, though details would need to be considered through any reserved matters or conditions.

It is considered that the proposal can be satisfactorily drained and that there would be no flood risk to future or existing residents. As a result, it would comply with Core Strategy Policy CS16 and emerging neighbourhood plan policy Q16.

Ecology and biodiversity impact

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 NPPF also seeks to achieve biodiversity net gains and evidence has been provided to demonstrate how this could be achieved. 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 technical note provided with this assessment indicates a small net gain but is not supported by a complete set of calculations and is based on questionable assumptions. However, it is noted that this is an outline application with approval sought for access only; the detailed design and quantum of development and open space to be determined at the reserved matters stage. This would be the most appropriate point to require a detailed assessment of ecological impact since there is no objection to the principle of development on ecological grounds in this location and detailed provision of biodiversity gains would need to be calculated based on the final quantum of development and open space within the site.

The site is currently undeveloped agricultural land abutting a settlement. The site has no particular wildlife or ecological designation and there are no recorded protected species within the site. Nevertheless, the site does provide an important greenfield area with mature planting on some borders and a brook to the north of the site. As such it provides a natural edge to the village and it is noted that comments received have referred to wildlife on the site.

At this stage, permission is sought for outline consent only with an indicative parameters plan illustrating that existing planting would be retained where feasible and extensive new landscaping would be provided. Whilst detailed assessment of biodiversity gain is not possible at this stage, it is reasonable to expect that no net loss can be achieved and that there is potential to achieve net gains if the development were to progress in line with the expectations of the parameters plan.

On that basis, there is no objection on biodiversity or ecology grounds to the principle of the development but should outline consent be granted this should be on the basis that a full detailed assessment will be undertaken prior to any reserved matters to ensure no net loss and biodiversity gains where practicable. To ensure that this was the case planning conditions would need to be attached to secure a detailed habitat mitigation strategy accompanied by a full biodiversity impact assessment and to ensure biodiversity was protected during the construction phase. Accordingly, the proposal is considered to comply with Development Plan policy CS13 and emerging policy Q8.

Loss of agricultural land

The site is located on agricultural land where CS16 requires that new development should protect environmental resources including the most versatile agricultural land. NPPF paragraph 170 states that decisions should contribute to and enhance the natural and local environment whilst recognising the economic and other benefits of the best and most versatile agricultural land.

A Soil and Agricultural Land Quality Study has been submitted which sets out that the site is predominantly grade 3b land with part of the site as 3a (grade 1 being the most valuable, grade 5 being least). The report finds that the best and most versatile land is relatively abundant in the area and that the site appears to be of below average quality for the area.

Whilst the economic and other benefits of the existing agricultural land at this site are noted, it is not of the highest quality that would render the principle of the development as being unacceptable. The proposals are therefore to be considered on the balance of housing need versus any significant and adverse impact. In this case, it is officer's opinion that the loss of grade 3b and 3a land does not represent a significant or adverse loss that, on its own, would outweigh the benefit of providing housing and associated infrastructure on the site.

Whilst the loss of agricultural land is acknowledged, this in itself is not a significant adverse impact that would justify refusal of planning permission. The proposal is considered to comply with Core Strategy policy CS16 in this respect.

Infrastructure

Policy CS24 states that new development should contribute either on or off site to any infrastructure arising as a result of the proposal. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development based on the full proposals of 200 dwellings.

LCC Waste	A contribution of up to £10,334 is requested to maintain existing local waste facilities at Mountsorrel HWRC site and provide additional capacity for the proposed development.
LCC Libraries	A contribution of £6,040 for improved resources at East Goscote Library on Ling Dale (0.78km from the site).
LCC Early Years	A contribution of £151,419 to improve capacity at: <ul style="list-style-type: none"> • The Laurels Nursery, Melton Road, • Children 1st Melton Road, • Queniborough Pre-School, Queniborough Village Hall, Rearsby or • Bizzy Bees Pre-school Broomfield School, East Goscote.
LCC Education	<ul style="list-style-type: none"> • Primary Schools - £671,232. • Special Schools - £112,896.86
NHS	£55,582.56 towards improving capacity at local surgeries (£28,365.80 for The County Practice and £27,217.08 for the Jubilee Medical Practice).
Open Space	<ul style="list-style-type: none"> • 0.15ha parks on site. • 0.96ha on site natural and semi-natural open space. • 0.22ha amenity green space.

	<ul style="list-style-type: none"> • On site LEAP + buffer. • On site NEAP + buffer. • £48,799 contribution to off-site outdoor sports facilities. • On site allotments or £22,584 for off-site allotment provision and improvements. • Indoor sports contributions totalling £191,117 (pools - £90,837, indoor courts - £87,770, indoor bowls rinks - £12,960)
LCC Highways	<p>Contributions towards:</p> <ul style="list-style-type: none"> • Improvements to two bus stops on Melton Road to include raised and dropped kerbs to allow level access to support modern bus fleets with low floor capabilities at £3,500 per stop; • Information display cases at new bus stops at £120 per stop; • New Flag and Pole at £50 and £120 per stop. • Travel packs (LCC can provide at £52.85 per pack. • 6 month bus passes (LCC can provide at (average) of £360 per pass. • Appointment of Travel Plan Coordinator • Travel plan monitoring at £6,000 for full travel plan.
Affordable housing	40% (75% rent, 25% shared ownership with the mix of affordable house sizes to be agreed at reserved matters stage)

The majority of these contributions are considered to be CIL compliant although there are concerns that the contributions sought with regard to indoor sports facilities would not be so. This is because they are based on a national threshold that does not take into account existing provision and don't take into account local need or circumstances. As a result, contributions towards indoor sport provisions are not necessary to make the development acceptable in planning terms but the rest of the contributions are considered to meet the requirements of CIL regulation 122.

Subject to a resolution to grant, details for a S106 legal agreement could be negotiated to secure infrastructure contributions on a pro-rata basis to meet the demands arising from the final number of dwellings which could be agreed through reserved matters.

Conclusion and planning balance

This application seeks to agree the principle of development on the site for up to 200 dwellings through an outline permission with all matters reserved except for access. The supporting information and consultations have established that there are no technical reasons for planning permission to be refused. S106 heads of terms could be agreed such that the potential impact on services and facilities in the area can be mitigated.

The adopted Core Strategy and saved policies of the Local Plan are the starting point for consideration of these proposals and would lead to the development being considered to be contrary to policy on the grounds that it is development in the countryside. The site is also in an area of separation where it is required to demonstrate that the appearance of openness is protected and maintained. However, the Core Strategy and associated housing need assessment is out of date and based on the standard housing methodology CBC cannot currently demonstrate a 5 year housing land supply. As such, the presumption in favour of sustainable development of NPPF paragraph 11 d) applies and the policies of the Core Strategy and Local Plan which restrict the provision of housing are to be given reduced weight. The emerging Local Plan is still in relatively early stages of preparation and can only be given very limited weight in the consideration of this application.

It is recognised that great efforts have been made with the Queniborough Neighbourhood Plan and a decision statement has been issued for it to proceed to referendum. However, full weight cannot be assigned to it at this point as it cannot be put to a referendum during a postponement for Covid-19. For full weight to be given to it will need to be agreed by more than 50% of respondents and for it to become part of the development plan. Whilst NPPF paragraph 14 would only apply if the neighbourhood plan were to become part of the development plan, it is still in an advanced state where its policies can be given significant weight in the planning balance.

Given the scale of the site and the proximity to East Goscote, it is officer's view that the development would have a negative impact on the character and appearance of the area of separation and wider countryside. However, this could be mitigated to a certain extent by conditions to secure the detail of landscaping and a layout that is in broad accordance with the development framework plan such that the impact would not be significantly adverse. With its location in the countryside and a designated area of separation, the proposals would be contrary to the Core Strategy policies CS11 and saved local plan policies CT/1 and CT/4 as well as emerging neighbourhood plan policy Q6 however this harm is not considered to be significantly adverse to justify refusal under the provisions of NPPF 11 d).

The proposals are large scale development outside of the settlement limits of an 'other settlement' where policy CS1 restricts development except for small scale infill. As this development is not small scale and is not infill then it would be contrary to policy CS1. However, Charnwood are not able to demonstrate a 5 year housing land supply and this proposal would make a notable contribution to housing supply at a relatively sustainable site.

In all other respects, it is considered that the proposals meet the requirements of planning policies. However, the policies of the development plan which restrict the delivery of housing can only be given reduced weight and the harm from the proposals being contrary to policy is to be weighed in the balance with a presumption in favour of

sustainable development, including the material benefit that the proposals would make a notable contribution towards the local planning authority's housing land supply.

It is officer's opinion that the scale of the development would result in an adverse impact on the countryside and area of separation that is contrary to policy. However, the extent of the adverse impact could be mitigated by details of landscaping and reserved matters which could be secured through condition such that the impact would be less than significant. On that basis, the collective harm arising from the proposals do not constitute a significant adverse impact that would outweigh the benefits of providing much needed housing in a sustainable location.

Recommendation

Recommendation A:

Delegated authority to enter into a S106 agreement to secure developer contributions for the following heads of terms (pro-rata for final housing quantity, where relevant):

1. Affordable housing - 40% (75% social or affordable rent including a minimum of 8 x 2 bed, 4 person wheelchair accessible bungalows with level access showers and minimum of 1 x 4 bed, 7 person family house, 25% shared ownership.)
2. Provision of public open space including:
 - a. 0.15ha of on-site Parks consisting of multi-functional green space area (combined with the Amenity Green Space Provision)
 - b. 0.96ha of on-site natural and semi natural open space
 - c. 0.22ha of on-site Amenity Green Space (combined with parks)
 - d. On site LEAP
 - e. On site NEAP
 - f. Contribution to off-site outdoor sports facilities of £48,799
 - g. 0.16ha of allotments on site or contribution of £22,584 for new allotments or enhancement of existing allotment provision within Queniborough or East Goscote
3. Highways improvements including:
 - a. Improvements to two bus stops on Melton Road to include raised and dropped kerbs to allow level access to support modern bus fleets with low floor capabilities at £3,500 per stop
 - b. Information display cases at new bus stops at £120 per stop
 - c. new Flag and Pole at £50 and £120 per stop
 - d. Travel packs (LCC can provide at £52.85 per pack) (1 per dwelling)
 - e. 6 month bus passes, 2 per dwellings (LCC can provide at (average) of £360 per pass)
 - f. Appointment of Travel Plan Coordinator from commencement until 5 years after first occupation.
 - g. Travel plan monitoring for the 5 year duration of its life at £6,00 for a full travel plan
4. Education and early years including:
 - a. Primary schools (£671,232) for the provision, improvement, remodelling or enhancement of education facilities at St Peter and St Paul's C of E Primary School or any other school within the locality of the development, or the construction of a new school.

- b. Special schools (£112,896.86) for the provision of additional capacity at Birch Wood or pooled, where appropriate, to provide additional capacity at the school nearest to the development.
- c. Early years (£151,419) to improve capacity at:
 - i. Laurels Nursery, Melton Road,
 - ii. Children 1st, Melton Road,
 - iii. Queniborough Pre-School, Queniborough Village Hall, Rearsby or
 - iv. Bizzy Bees Pre-School Broomfield School, East Goscote.
- 5. LCC Libraries - £6,040 for East Goscote Library
- 6. LCC Waste - £10,334 for Mountsorrel HWRC
- 7. Healthcare contributions totalling £55,582.56 towards improving capacity at local surgeries consisting of:
 - a. The County Practice - £28,365.80 and
 - b. Jubilee Medical Practice - £27,217.08

Recommendation B:

That planning permission is granted for the development subject to the following draft planning conditions:

Planning conditions:

1. Application for the approval of the reserved matters shall be made within two year of the date of this permission and development shall commence within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters, whichever is the later.
REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall commence until details of the appearance, landscaping, layout and scale, ("the reserved matters"), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. The development hereby approved shall not be carried out other than in broad accordance with the following plans and approved documents and provisions therein:
 - a. Development Framework Plan (6231-L-06 F) – FPCR 12th May 2020 (subject to revisions in accordance with recommendations from CBC’s Senior Landscape Officer received 8th March, 2021)
 - b. Green Infrastructure Principles (6231-L-09 B) – FPCR 12th May 2020
 - c. Indicative Layout (6231-L-08 F) – FPCR 12th May 2020
 REASON: To provide certainty and define the terms of the permission
4. The reserved matters shall comprise a mix of size and types of market and affordable homes that has regard to both identified housing need for the

borough and the character of the area and includes an appropriate level of smaller 2/3 bedroom units and single storey units.

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

5. No development shall take place until a programme of archaeological work, including the ridge and furrow landscape, which includes a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and method
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for the publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.

REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14 of the Development Plan and the advice within the NPPF.

6. The landscaping details submitted pursuant to condition 2 above shall include:
 - a. the treatment proposed for all ground surfaces, including hard surfaced areas;
 - b. planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the north and east of the site;
 - c. finished levels or contours within any landscaped areas;
 - d. any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.
 - e. functional services above and below ground within landscaped areas; and
 - f. all existing trees, hedges and other landscape features, indicating clearly any to be removed.

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

7. The details of layout, appearance and scale submitted pursuant to condition 2 above shall meet with the principles set out within the Design and Access Statement and in broad accordance with the details shown on the Development Framework Plan.

REASON: To ensure that a high quality design is delivered that reflects its edge of village location and does not create harm to adjacent occupiers. This

condition is to provide certainty that this can be achieved and ensure compliance with policies CS2 of the Development Plan and associated national and local guidance.

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

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

9. Notwithstanding the Technical Note – Biodiversity Net Gain (FPCR dated 09 October 2020) and supporting plan, no development shall commence unless a detailed Biodiversity Impact Assessment has been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in accordance with the approved details.

REASON: To ensure that there is no adverse unmitigated impact on ecology and that there is compliance with policy CS14 of the Development Plan and associated national and local guidance.

10. Prior to the commencement of the development hereby approved an Arboricultural Method Statement, prepared in accordance with BS 5837: 2012 Trees in Relation to Design, Demolition and Construction, shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out only in accordance with the approved details. The Arboricultural Method Statement shall include the specification, location and phasing for the installation of tree and hedge protection measures and a schedule of all proposed tree and hedge works including the reason for such works. No trees or hedges on the application site shall be wilfully damaged, cut down, uprooted, pruned, felled or destroyed except for the trees and hedges to be removed to facilitate the development, without the prior written consent of the Local Planning Authority.

REASON: In the interests of the health and amenity value of the trees and hedgerows and to ensure that any works to trees and hedgerows is in accordance with the approved development of the site.

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing F20051/01 and F20052/2 have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

12. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Melton Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019).

13. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2019).

14. No part of the development shall be occupied until such time as the offsite pedestrian crossing points shown on drawing number F20051/01 and F20052/2 have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

15. No part of the development shall be occupied until such time as the offsite works shown on Proposed A607/A46/Fosse Way Roundabout Improvements, drawing number Drawing No. F20051/05 Rev A have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2019).

16. Development shall not commence until a construction management plan has been submitted to, and approved in writing by the local planning authority. The plan shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. arrangements for turning vehicles;
- iii. routes for the use of construction traffic;
- iv. means of protecting pedestrians and cyclists;
- v. a method of preventing mud from being carried onto the highway;
- vi. delivery, demolition and construction working hours.

The approved construction management plan shall be adhered to throughout the construction period for the development.

REASON: To protect the amenity of neighbouring residents and the local environment during construction.

17. No development shall take place above slab level unless details of external lighting have been submitted and approved in writing by the Local Planning Authority.

REASON: For the avoidance of landscape and ecological impact.

18. Details for the storage of refuse and materials for recycling, including bin collection points shall be submitted to, and approved in writing, by the Local Planning Authority.

REASON: To ensure appropriate access and appearance

19. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

20. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

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

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

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

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

23. No construction above damp proof level shall be commenced until such time as details of the type, texture and colour of the materials including make and manufacturer to be used on the external surfaces of the proposed development have been submitted for the agreement of the Local Planning Authority. Only materials agreed in writing by the Local Planning Authority shall be used in carrying out the development.

REASON: To ensure that the appearance of the completed development is satisfactory.

24. No dwelling shall be occupied until such time as details of the way in which any children's play areas are to be laid out and landscaped including details of boundary treatment and any structures to be erected and a programme of implementation has been submitted to and agreed in writing by the Local Planning Authority. The play areas shall be provided in accordance with the approved details and programme.

REASON: To ensure such areas are properly laid out and landscaped in the interests of general amenity.

25. Prior to the occupation of any dwelling details of the pedestrian/cycle links between the development and Melton Road, including implementation timetable, shall have been submitted to and approved in writing by the local planning authority. The links shall be provided in accordance with the approved detail.

REASON: To ensure that there is adequate permeability from the site to surrounding residential areas to encourage sustainable modes of transport.

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, Q1, Q4, Q5, Q6, Q7, Q8, Q9, Q11, Q12, Q13, Q14 and Q16 Because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk

