

Planning Appeal

Statement of Common Ground

Town and Country Planning Act 1990 – Section 78

Town and County Planning (Development Management Procedure)
(England) Order 2015

Town and Country Planning (Inquiries Procedure) (England) Rules
2002

Appeal by David Wilson Homes East Midlands

Land at Barkby Road, Queniborough

Against the refusal of outline planning permission by Charnwood
Borough Council for application P/20/2380/2

“Outline application for up to 150 dwellings, together with new open space, landscaping and drainage infrastructure, with all matters reserved accept for access (as amended to include proposed junction improvement works at Barkby Road cross roads).”

February 2023

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1. Introduction

Background

1. This Planning Statement of Common Ground (PSoCG) relates to an appeal by David Wilson Homes East Midlands (“the Appellant”) against the refusal by Charnwood Borough Council (CBC or ‘the Council’) in relation to land off Barkby Road, Queniborough, Leicestershire (the ‘Appeal Site’) (Ref P/20/2380/2).
2. This SoCG has been jointly prepared by the Appellant and the Council and sets out the factual background to the appeal and those matters on which the main parties agree. It also sets out the residual matters upon which the parties are not agreed.
3. A separate Landscape Statement of Common Ground (LSoCG) has been prepared and should be read alongside this document.
4. An agreed list of Core Documents (CDs) and agreed schedule of conditions are provided separately.
5. A draft Section 106 agreement is provided separately.

Purpose

6. This Statement has been prepared in accordance with Section 13 of the PINS Procedural Guide, Planning Appeals – England (March 2021) and Article 37 Part 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 – as amended.

This SoCG is jointly agreed by:

Signed 

Date: 30/05/2023

Helen Bareford on behalf of David Wilson Homes East Midlands

Signed 

Date: 30/05/2023

Richard Bennett on behalf of Charnwood Borough Council

2. The Appeal Site and Surroundings

7. The Appeal site extends to approximately 5.84 hectares (Ha) and comprises two fields on the existing southern settlement edge of Queniborough.
8. The site is bound by the existing built residential form of Queniborough to the north comprising Avenue Road, The Riddings and Chestnut Close. The eastern boundary is defined by Barkby Road. To the west of the appeal site is the Queniborough Industrial Estate. To the south of the site is open countryside, beyond which is the settlement of Syston.
9. Mature hedgerows and trees are located along site and field boundaries.
10. In terms of landform, the site is relatively flat with a high-point of approximately 60m AOD at the eastern boundary with Barkby Road, falling gently towards the western boundary.
11. The site is maintained as private farmland and does not provide any access or recreation function, beyond allowing access along the public footpath 184 that crosses the site between Avenue Road to the north and the recent housing development at Millstone Lane to the south in a south westerly direction.
12. The site is located to the south of Queniborough and approximately 250m to the northern edge of Syston (Millstone Lane).
13. The appeal site is located within an area designated as an Area of Local Separation (AoLS) in the Borough of Charnwood Local Plan (2004) and the emerging Charnwood Local Plan 2021-37 (Pre-Submission Draft) Consultation, and in Countryside in the emerging Charnwood Local Plan.
14. The site is not in a Conservation Area and does not contain or adjoin any Listed Buildings or other designated heritage assets. Queniborough Conservation Area lies approximately 275m northeast of the site, which contains a number of Listed Buildings.
15. The appeal proposals include off-site highway works at Rearsby Road / Syston Road / Queniborough Road / Barkby Road crossroads. Trees in the area between the crossroads and The Ringway are subject to a group Tree Preservation Order. The crossroads and the Tree Preservation Order are not within the designated Queniborough Conservation Area which is approximately 225m to the east at its closest point.
16. The site is located within the Environment Agency's Flood Zone 1 (low risk of fluvial flooding).

17. The developable area of the appeal proposal extends to 4.03 ha. At 4.03 ha, the appeal site does not exceed the EIA screening threshold as set out at Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Similarly, neither is the site within a “sensitive area” as defined in the EIA Regulations which may otherwise require an application/appeal to be formally screened.

Planning History

18. The application, the subject of this appeal, represents a resubmission of an outline application submitted in 2018, for 150 dwellings, all matters reserved except for access (P/18/0309/2). This earlier application was submitted in February 2018 and refused in June 2018 following a Plans Committee decision.

The Appeal Proposal

19. The Appellant seeks outline planning permission with all matters reserved save for the means of access, for a residential development comprising:
- a. Up to 150 dwellings which will include a mix of dwelling types and sizes to meet a range of householder needs;
 - b. 40% affordable housing;
 - c. Vehicular access onto Barkby Road;
 - d. New public open space (totalling approximately 16% of the appeal site area) including a Locally Equipped Area of Play (LEAP) and green link through the site; and
 - e. And surface water attenuation, totalling approximately 15% of the appeal site area.
20. The application was validated by Charnwood Borough Council on 22nd January 2021 (Council ref: P/20/2380/2) and, after considerable discussion, was brought before the Council’s Plans Committee on the 24th November 2022, with an Officer recommendation to grant outline planning permission. The Plans Committee resolved to refuse the application, contrary to the Planning Officers’ recommendation. The Decision Notice was issued on the 9th December 2022.
21. The proposed development falls within the description at 10B of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017), It is agreed that the proposed development is not Environmental Impact Assessment (EIA) development.

Plans for Approval

22. The drawings for which the Appellant seeks planning permission for are as follows:

Drawing ref	Drawing Name
Drawing QUEN-LOCA-01C	Location Plan
ADC1659-DR-001 Rev P2	Proposed Barkby Road Access

Statutory Consultees

23. The Officer Report details that technical matters were resolved to the satisfaction of the following technical consultees on the application, who raised no objection, subject to the imposition of conditions and/or contributions where appropriate:
- CBC Affordable Housing
 - CBC Biodiversity
 - CBC Trees
 - CBC Open Spaces
 - CBC Environmental Health
 - LCC as Highway Authority
 - LCC Developer Contributions, including Education
 - LCC as Lead Flood Authority.
 - NHS CCG
 - Environment Agency
 - Natural England
24. The Appellant was not requested to provide a completed Section 106 Agreement prior to the determination of the planning application, nonetheless the absence of a completed Planning Obligation was given as RfR2. The appellant and LPA have prepared a draft Planning Agreement, which has narrowed the points of difference.
25. The following Heads of Terms are agreed, ad meet the requirements of CIL regulations 2010 reg 122(2):
- 40% Affordable Housing;
 - Open Space off-site financial contributions:
 - NEAP x 1 contribution of £143,099
 - Outdoor sports facilities at a cost of £48,247; and
 - Allotments at a cost of £16,938.
 - Provision of Travel Packs (£52.85 x 150 dwellings) at a total cost of £7,927.50;
 - Provision of 6-month bus passes (£510x2 x 150 dwellings) at a total cost of £153,000 –
 - Appointment of Travel Plan co-ordinator;
 - Travel Plan monitoring fee at a cost of £6,000;
 - Raised kerb provision at the nearest two bus stops Syston Rd (adjacent Barkby Rd) – 260007805 and at Syston Road (opposite Avenue Rd) - 260007804 at a cost of £3,500 per stop to support modern bus fleets with low floor capabilities.
 - Leicestershire Libraries contribution at a cost of £4,541.40;
 - Waste Management contribution at a cost of £7,750.50

- Biodiversity Mitigation and Enhancement Scheme to be submitted to the Council for its written approval with any Reserved Matters Application

26. On-site Open Space requirements, as listed below, will be secured by condition as agreed in the Officer's Report (CD4.02 Page 31):

- 0.12ha parks;
- 0.72ha natural and semi-natural open space;
- 0.17ha amenity green space; and
- LEAP x 1

3. Development Plan

Development Plan

27. The Development Plan, for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 comprises:
- The Saved Policies of the Charnwood Local Plan 2004 (CLP) (Adopted January 2004) (CD5.01)
 - The Charnwood Local Plan 2011 to 2028 Core Strategy (CCS) (Adopted November 2015) (CD5.02)
 - Queniborough Neighbourhood Plan (QNP) (Made June 2021) (CD5.11)

Charnwood Local Plan 2004

28. The Charnwood Local Plan was adopted in 2004 and covers the Plan period 1991 to 2006. A number of policies were saved by a direction from the Secretary of State in 2007. Some of the Saved Policies have since been superseded following adoption of the Core Strategy (November 2015).
29. The Council in its RfR refer to the following 'saved' Policies:
- Policy EV/1 (Design)
 - Policy CT/1 (General Principles for Areas of Countryside, Green Wedge and Local Separation)
 - Policy CT/2 (Developments in the Countryside)
 - Policy CT/4 (Development in Areas of Local Separation)

The Charnwood Local Plan 2011 to 2028 Core Strategy

30. The Charnwood Local Plan 2011 to 2028 Core Strategy was adopted in November 2015. The Plan was intended to deliver the strategic housing requirement as identified by the Leicester and Leicestershire Strategic Housing Market Assessment 2014 (the 2014 SHMA), which is now out of date. It is agreed that the geographical extent of settlement boundaries which had been set in policy based upon that SHMA are out of date.
31. The Council's RFR1 refers to the following Policies:
- Policy CS2 (High Quality Design)
 - Policy CS11 (Landscape and Countryside)

32. RfR2, which relates to the absence of a Planning Obligation, refers to the following Policies:
- Policy CS3 (Strategic Housing Needs)
 - Policy CS13 (Biodiversity and Geodiversity)
 - Policy CS17 (Sustainable Travel)
 - Policy CS24 (Delivering Infrastructure)
33. The following policies are considered to be of relevance:
- Policy CS15 (Open Spaces, Sports and Recreation)
 - Policy CS25 (Presumption in Favour of Sustainable Development)

Queniborough Neighbourhood Plan (QNP)

34. The Queniborough Neighbourhood Plan covers the period 2019 to 2028. It was Made in June 2021. The Plan reflects the Core Strategy strategic housing requirement as identified by the Leicester and Leicestershire Strategic Housing Market Assessment 2014 (the 2014 SHMA). It too is therefore out of date.
35. The Neighbourhood Plan is less than two years old (at the time of writing), however the requirements of paragraph 14(b) of the NPPF have not been met as the policies do not meet a specified local housing need, thus Paragraph 14 does not apply.
36. RfR1 alleges that the appeal proposals are contrary to the following QNP policy:
- Policy Q6 (Countryside and Landscape)
37. The following QNP policies are considered to be of relevance:
- Policy Q12 (Housing Mix)
 - Policy Q14 (Design)
 - Policy Q8 (Ecology and Biodiversity)

Draft Charnwood Local Plan 2021-37 (eLP)

38. The draft Charnwood Local Plan 2021-37 was submitted for Examination in December 2021. The hearing sessions were completed in February 2023, after this appeal was made.
39. The policies in this emerging Local Plan will gain weight as the consideration moves through the various stages of preparation.
40. On 23rd May the Inspectorate wrote to the LPA requesting further information from the LPA to support

evidence submitted and discussions in hearings, to update housing supply data and outline the next steps (EXAM 71). The Inspectors have asked that the further information be subject to a period of consultation.

41. The eLP is unlikely to have been adopted before the Inspector makes a decision in this appeal.

Material Considerations

42. Material considerations in this appeal include the following:

- National Planning Policy Framework 2021 (the 'Framework')
- National Planning Practice Guidance ('PPG')
- Emerging Charnwood Local Plan 2021-37
- Council's adopted and emerging evidence base, including, but not limited to:
 - Green Wedges, Urban Fringe Infrastructure Enhancement Zones and Areas of Local Separation, ARUP, (March 2016 and Addendum May 2019)
 - The Charnwood Landscape Capacity and Sensitivity Assessment Addendum, LUV, (February 2021)
 - The Charnwood Landscape Sensitivity Assessment, Charnwood Borough Council Officers, (July 2021)
 - National Design Guide
 - Leicestershire County Council Local Transport Plan (LTP)
 - Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017
 - Leicester & Leicestershire Housing & Economic Needs Assessment Housing Distribution Paper (June 2022)
 - Leicester & Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs (June 2022)
 - Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)
 - Design Supplementary Planning Document (January 2020)
 - The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)
 - Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)
 - Other Relevant Decisions and Judgements to be agreed and added to Core Document List in due course.

4. Matters on which the parties agree

43. The following matters are agreed between the parties.

Adopted Planning Policy

44. The appeal site lies outside (but adjacent to) the settlement of Queniborough, within an area designated as an Area of Local Separation, as defined on the Borough-wide Polices Map.

45. It is agreed that Queniborough is identified as one of Charnwood's 12 'Other Settlements' in the adopted Core Strategy. To achieve the Core Strategy of 'urban concentration and regeneration' development was focussed in the Principal Urban Area, Loughborough and Shepshed, the Service Centres, then the Other Settlements. Other Settlements are acknowledged to be important in helping to protect and where possible increase services and facilities within them.

46. Other Settlements are designated as such if they contain at least 4 of the 6 key services and facilities used to define settlement in the tier above, Service Centres, which are outlined below. It is agreed that Queniborough contains the emboldened services and facilities.

- a primary school and good access to a secondary school;
- access to employment opportunities;
- food shops and a post office;
- good access to a doctors surgery;
- a good, regular public transport services to at least one main urban centre and reasonable bus access to nearby villages;
- and a good range of recreation, leisure and community facilities

47. The Charnwood Settlement Hierarchy Assessment (2020 Update) states that Queniborough has seven of the eleven services and facilities surveyed, including six within the settlement, as well as access to employment and secondary schools. It is agreed that the settlement is a sustainable location for additional housing growth, and that the proposed development would not be out of scale with the settlement.

48. It is agreed that the Core Strategy (2015) directed 'at least' 500 dwellings to be delivered across the Other Settlements in the period 2011 to 2028, and that more than 500 dwellings have now been built or planning approved.

49. It is agreed that the most important policies for the determination of this appeal comprise:

- Saved Charnwood Local Plan 2004 Policies:
 - Policy ST/2 (Limits to Development)
 - Policy EV/1 (Design)
 - Policy CT/1 (General Principles for Areas of Countryside, Green Wedge and Local Separation)
 - Policy CT/2 (Developments in the Countryside)
 - Policy CT/4 (Development in Areas of Local Separation)

- Charnwood Core Strategy (2015)
 - Policy CS1 (Development Strategy)
 - Policy CS2 (High Quality Design)
 - Policy CS11 (Landscape and Countryside)

- Queniborough Neighbourhood Plan (2021)
 - Policy Q6 (Countryside and Landscape)
 - Policy Q14 (Design)

- Emerging Charnwood Local Plan 2021-37 (2021 submission draft)
 - Policy DS1 (Development Strategy)
 - Policy DS3 (Housing Allocation)
 - Policy C1 (Countryside)
 - Policy EV1 (Landscape)
 - Policy EV4 (Areas of Local Separation)

50. It is agreed that the Charnwood Local Plan 2004 is more than five years old and relates to housing requirements derived from the replacement Structure Plan for Leicestershire (1991 – 2006), adopted in January 1994.

51. It is agreed that the Core Strategy (2015) is more than five years old.

52. It is agreed that the Council is unable to demonstrate a minimum five-year housing land supply as required under Paragraph 73 of the Framework.

53. In the context of the above, it is also agreed that some of the policies which are most important for determining the application within the Charnwood Local Plan, namely Saved Policies ST/2, CT/1, CT/2, and CT/4, as well as Policies CS1 and CS11 of the Core Strategy 2015, are out of date - NPPF paragraph 11d.¹
54. It is also agreed that Queniborough Neighbourhood Plan Policy Q6, which seeks to protect the countryside from development, is also out-of-date by virtue of NPPF paragraph 11d.
55. It is agreed that the tilted balance in Paragraph 11d of the Framework is engaged. Accordingly, it is agreed that the appeal proposal should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the Development when assessed against the policies in this Framework taken as a whole.
56. It is agreed that Paragraph 14 of the Framework is not engaged as the Queniborough Neighbourhood Plan does not contain policies and allocations to meet its identified housing requirement within the terms of NPPF paragraph 14 and as such the requirements of paragraph 14(b) were not met. It is therefore agreed that conflict with the Neighbourhood Plan's housing policies cannot be considered significant and demonstrable harm to outweigh the identified benefits on their own.

Emerging Planning Policy

57. It is agreed that the Council is preparing a new local plan for Charnwood. A scoping consultation took place in July 2016 followed by a second consultation in April 2018 focussing on the key issues and options. A Draft Plan Consultation was undertaken in November 2019 with the Pre-Submission Draft Plan published for consultation in July 2021 (Regulation 19). The Council submitted the Plan for Examination in December 2021.
58. Hearing sessions in that Examination were concluded in February 2023. The Plan Inspectors wrote to the council in May 2023 seeking further and updated information (see EXAM 71).
59. Representations have been made in support of the site being allocated, and representatives of David Wilson Homes attended hearing sessions. However, the site was not allocated in the draft local plan submitted to the Secretary of State.
60. It is agreed that the Draft Plan identifies Queniborough as an Other Settlement. It is agreed that the Plan proposes the delivery of at least 934 dwellings across the Other Settlements, which equates to 5% of the overall level of housing to be delivered over the Plan period.
61. It is agreed that the Draft Plan makes provision for 155 new dwellings in Queniborough across 2 sites, both of which are beyond the settlement boundary, on greenfield land and within an Area of Local

Separation, as defined in the adopted Core Strategy and Local Plan. The sites, to the north-west of the settlement, adjoin one another and comprise:

- HA64 Land at Threeways Farm Queniborough 100 dwellings
- HA65 Land off Melton Road Queniborough 55 dwellings

62. In seeking to establish the additional housing supply to accommodate Charnwood’s apportionment of Leicester’s unmet housing needs, the Council have submitted additional evidence (Charnwood Additional Housing Supply Technical Note, January 2023 – CD5.13), that Queniborough could accommodate a further 90 dwellings across the two draft allocations (an additional 60 at HA64 and additional 30 at HA65).

Site Delivery

63. It is agreed that a condition requiring the submission of reserved matters application within 18 months (rather than the customary three years, or the two years suggested in the draft condition in the Officer Report CD4.02), could be imposed.

Queniborough Suitability

64. It is agreed that Queniborough is one of 12 Other Settlements which means that it benefits from a primary school and other services and facilities required to meet the day to day needs of residents. It is agreed that although forming a recognisable tier in the settlement hierarchy there is also a significant degree of variation between the Other Settlements. Of the 12 Other Settlements, Queniborough scores the third highest, behind only Woodhouse Eaves and Hathern, each with 9 points, against Queniborough with 8 points (Settlement Hierarchy Assessment CD5.08). The lowest scoring Other Settlements score just 4 points (5 in number). Accordingly, Queniborough is one of the more sustainable Other Settlements within Charnwood to provide for additional growth.

Accessibility

65. The site is situated approximately 300 metres south of Queniborough crossroads – considered the centre of the village, approximately 1.4km north east of Syston centre and 9km north east of Leicester City centre.

66. It is agreed that the appeal site is located within walking and cycling distance of a range of local facilities and services (measured from the centre of the site) including:

- Crossroads Stores and Post Office, Queniborough (300m)
- Syston Rugby Football Club, Queniborough (360m)
- BP Fuel Station including M&S Food Store (380m)
- The Laurels Nursery School (390m)

- Queniborough Scout Hut (500m)
- Queniborough Village Hall (520 m)
- Queniborough CofE Primary School (550m)
- Queniborough Methodist Church (560m)
- Clarks Queniborough (Butchers) (740m)
- Britannia Inn Public House (860m)
- The Horse and Groom Public House (860m)
- South Charnwood Leisure Centre (890m)
- Wreake Valley Academy (1km)
- St Mary's Church, Queniborough (1km)
- Boots Pharmacy, Syston (1.3km)
- Jubilee Medical Practice (1.3km)
- Wilko, Syston (1.5km)

67. It is agreed that the site is within reach of existing services and facilities within Queniborough and an additional range of services within Syston. The services and facilities outlined above within Queniborough and Syston are within walking distance of the site (approximately 2km). This is within the Guidelines for Providing for Journeys on Foot, Institution of Highways and Transportation, 2000 preferred maximum walking distance of 2km and additionally all facilities are located within the Manual for Streets suggested upper limit, referenced in the former PPG13 guidance of 2km.

68. It is agreed that there are a range of bus stops in the vicinity, with the closest located approximately 320m from the site on Syston Road. The bus stop on Syston Road (adjacent to Barkby Road) consists of a flag and pole arrangement and timetabled information. The stop provides access to the number 5 service which runs from East Goscote to the centre of Leicester via Syston. The number 5 service runs every 20-30 minutes from Monday to Friday between 05:45 and 20:42 with the last service departing at 23:40, and also every 30 minutes on Saturdays between 07:13 and 20:42 with the last service departing at 23:42.

69. The frequency of services is set out below.

Service / Route	Monday -Friday Frequency			Saturday Frequency
	7am-9am	9am-5pm	4pm-6pm	9am – 6pm
Leicester – East Goscote	Hourly	30 mins	30 mins	30 mins
East Goscote - Leicester	Hourly	30 mins	30 mins	30 mins

70. It is agreed that Syston Railway Station is 2.4km from the site and therefore within the acceptable cycling distance. This provides ready access to the wider region via the Midland Main Line. This includes services to Leicester, East Midlands Parkway and Nottingham. On weekdays there are trains to Leicester and Nottingham every hour during the morning peak period and one train every 1-2 hours in the inter-peak and evening peak hours. Trains to Leicester have an approximate 10-minute duration, trains to Nottingham have an approximate 40-minute.
71. It is agreed that a footway with verge is provided along the site frontage with Barkby Road providing a safe walking route towards Queniborough to the north.
72. It is agreed that public footpath I84 provides a link between Queniborough and Syston providing a safe walking route towards Syston to the south west.
73. There is a range of cycle routes and suitable roads within the vicinity of the site to provide residents with a realistic option to travel by bike to nearby destinations.

Access, Highway Capacity and Safety

74. It is agreed that the application was supported by a Transport Assessment (CD1.08), later updated (CD2.03 and CD2.04) and Travel Plan (CD1.09), later updated (CD2.05) and that the County Highways Authority do not object to the proposals (CD3.12).
75. It is agreed that the Local Highway Authority Advice is that 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.
76. It is agreed that a safe and suitable access can be provided from Barkby Road to the development site for active and vehicular modes of transport. The necessary visibility splays can be achieved on land that is either under the control of the Appellant or within the adopted highway; no third-party land is affected.
77. It is agreed that the traffic mitigation measures to increase capacity at the Rearsby Road / Syston Road / Queniborough Road / Barkby Road crossroads is suitable and the wider impact of additional traffic on the local highway network is acceptable.
78. It is agreed that the number and severity of Personal Injury Accidents (PIAs) in the immediate vicinity of the appeal site does not give any undue cause for concern and the level of traffic associated with the development will not have an unacceptable impact on highway safety.

79. Subject to the appeal being allowed it is agreed that subject to the imposition of the suggested conditions from the local highway authority and the provision of the suggested schedules within the Planning Obligation, there are no highways or transportation reasons why outline planning permission should not be granted.

Affordable Housing

80. The appeal proposal will provide 40% affordable housing on site (up to 60 affordable dwellings) which accords with Policy CS3 of the Core Strategy.

Economic Benefits

81. Economic benefits associated from the appeal proposals include:
- Construction spend;
 - The creation of short-term local construction jobs;
 - New residents would generate local expenditure which would help sustain and support local businesses and services;

Design and Layout

82. It is agreed that the application was supported by a Design and Access Statement (CD1.05) which was prepared in accordance with relevant policy requirements, national planning practice guidance and best practice.
83. It is agreed that the Conceptual Plan (ref: QUEN-CONC-SK2 RevG) at CD1.03 provides one iteration as to how the development could be accommodated on-site.
84. Subject to the appeal being allowed it is considered that any amenity issues could be designed out either prior to or during the determination period for the related reserved matters.
85. Subject to the appeal being allowed it is considered that design related issues could be designed out either prior to or during the determination period for the related reserved matters.

Landscape and Area of Local Separation

86. Matters of agreement in respect of Landscape and the Area of Local Separation are discussed in detail in the Landscape Statement of Common Ground.
87. It is agreed that the proposed works to the trees set out in the Arboricultural Impact Assessment to facilitate the proposed highways works to the Barkby Road / Queniborough Road / Rearsby Road / Syston Road crossroads are acceptable.

Heritage

88. It is agreed that there are no comments to the appeal proposal from Charnwood Borough Council's Conservation Officer in relation to heritage issues.
89. It is agreed that the site is not in a Conservation Area and does not contain any designated heritage assets.
90. It is also agreed that the trees in the area between the crossroads and The Ringway are subject to a group Tree Preservation Order. The crossroads and the Tree Preservation Order is not within the designated Conservation Area of Queniborough.

Agricultural Land Quality

91. It is agreed that the majority of the appeal site comprises Grade 2 agricultural land. The loss of agricultural land is a factor which weighs against the proposals but is not a determinative matter for the appeal.

Noise and Vibrations

92. It is agreed that the application was supported by a Noise Survey and Assessment (CD1.16).
93. It is agreed that appropriate mitigation can be secured by condition to ensure that the internal living conditions of the proposed dwellings meet relevant standards.

Drainage and Flood Risk

94. It is agreed that the application was supported by a Flood Risk Assessment (CD1.12) and a Drainage Strategy Plan (CD1.13), the findings and recommendations of which were accepted by the Lead Local Flood Authority. It is agreed that there is no objection to the appeal proposal from Leicestershire County Council as Lead Local Flood Authority (CD3.16) or from the Environment Agency (CD3.06).
95. It is agreed that the appeal site is predominantly within Flood Zone 1. Subject to the appeal being allowed it is considered that flood management related issues could be designed out either prior to or during the determination period for the related reserved matters application.

Ecology

96. It is agreed that the appeal proposal does not affect, nor has any implication for, habitat sites under the Conservation of Habitats and Species Regulations 2017.
97. It is agreed that the application was supported by ecological survey data to the satisfaction of the Borough Council's Senior Ecologist for the outline planning application, subject to a full and detailed assessment to support any reserved matters to ensure no net loss and biodiversity gains where practicable. Where necessary, appropriate mitigation can be secured by condition.
98. Subject to the appeal being allowed it is considered that ecology related issues could be designed out either prior to or during the determination period for the related reserved matters application.

Benefits of Appeal Proposal and Associated Weight

99. It is agreed that the benefits of the appeal proposal are as follows:
- The provision of market housing in a location with an identified need, where the Council is unable to demonstrate the minimum five year housing land supply.
 - The provision of 40% affordable housing
 - Economic benefits in respect of construction and supply-chain logistics. New housing makes an important contribution to employment and is a key component of the government's strategy for economic recovery.
 - Retaining local spend, contributing to the economic dimension of sustainable development. The increase in local expenditure will help to sustain local facilities and services.

5. Matters on which the Parties Disagree

100. This section sets out the matters on which the two parties do not agree. This should be read alongside the Landscape Statement of Common Ground.

Area of Local Separation

101. The parties disagree on the level of harm caused by introducing development into an Area of Local Separation and the character and harm to the villages that occurs as a result.
102. It is agreed that actual coalescence will be avoided albeit that the parties disagree as to whether the existing degree of separation that exists will be unacceptably eroded.

Landscape and Visual Impact

103. The parties disagree on the extent to which the proposal may be harmful to the character and appearance of the area, albeit that it is agreed that structural planting will significantly mitigate the effects of the proposed development over time.

Planning Obligations

104. The parties disagree on the extent of the contributions sought as follows:
- Healthcare contribution

Planning Balance

105. The parties disagree on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, albeit the Officers Report (CD4.02) concludes that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.