



PLANS COMMITTEE

This meeting will be recorded and the sound recording subsequently made available via the Council's website: charnwood.gov.uk/pages/committees

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Bentley (Vice-Chair), Campsall, Capleton, Charles, Forrest, Fryer (Chair), Gerrard, Grimley, Hamilton, Lowe, Ranson, Savage and Tillotson
(For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Plans Committee to be held in the Preston Room, Woodgate Chambers, Woodgate, Loughborough on Wednesday, 1st December 2021 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

23rd November 2021

AGENDA

1. APOLOGIES
2. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8
No questions were submitted.
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The list of planning applications to be considered at the meeting is appended.

WHERE TO FIND WOODGATE CHAMBERS

Woodgate Chambers
70 Woodgate
Loughborough
Leicestershire
LE11 2TZ

Charnwood Borough Council

Plans Committee – 1 December 2021

Index of Committee Items

Item	Application No	Applicant and Location, Description	Recommendation	Page
1	P/21/1260/2	<p>Penland Estates Ltd, RV Millington Ltd, Sarah Higgins & Gavin Higgins</p> <p>Land at Ashby Road, Markfield</p> <p>Outline planning application for residential development of up to 93 dwellings, public open space, landscaping and associated works. All matters reserved except for access.</p>	Grant Conditionally	5
2	P/20/2393/2	<p>Clarendo Land and Development</p> <p>Land off Humble Lane Cossington Leicestershire</p> <p>Development of up to 130 dwellings, provision of land for school expansion, open space and children's play area. Outline application with all matters reserved except access.</p>	Grant Conditionally	34
3	P/21/0738/2	<p>Gladman Developments Ltd</p> <p>Land off Barnards Drive Sileby Leicestershire</p> <p>An outline planning application for the erection of up to 228 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.</p>	Grant Conditionally	75

Benscliffe Cottage
Benscliffe Road
Newtown Linford
LE6 0AG

Demolition of existing dwelling,
garage and outbuildings. Erection
of a replacement dwelling
including annexe and attached
garage, and associated hard and
soft landscaping works.

Item No. 1

Application Reference Number P/21/1260/2

Application Type:	Outline Planning Permission	Date Valid:	13/07/2021
Applicant:	Penland Estates Ltd, RV Millington Ltd, Sarah Higgins & Gavin Higgins		
Proposal:	Outline planning application for residential development of up to 93 dwellings, public open space, landscaping and associated works. All matters reserved except for access.		
Location:	Land at Ashby Road, Markfield		
Parish:	Newtown Linford	Ward:	Forest Bradgate
Case Officer:	Shaun Robson	Tel No:	07864 603389

Background

This application has been brought to plans committee as it relates to a major housing development and is considered a departure from the development plan and is recommended for approval.

Description of the Application Site

The application site is located to the north of Markfield along Ashby Road and is approximately 3.66ha in size.

The site is bound by the A50 to the north, Ashby Road to the south and Raunsccliffe Farm in the north-west. The site's south eastern boundary is defined by an established tree lined hedgerow that borders existing residential dwellings and additional fields to the north.

The site comprises of three separate paddocks divided by a combination of post and rail fencing and hedgerow with mature trees.

The majority of the site is located within Charnwood Borough Council's administrative boundary, within the parish of Newtown Linford and within the National Forest and Charnwood Forest Regional Park area. However, the site frontage to the south falls within Markfield, a settlement within Hinckley and Bosworth Borough Council's administrative boundary. Therefore, in order for the development to proceed it will fall to the respective Local Planning Authority's to determine the part of the development that falls within their area. If the application for the access to the site is not approved by Hinckley and Bosworth Borough Council, then the application that falls within Charnwood Borough Council may still be approved if committee is so minded but it will not be capable of implementation until an access is agreed and all of the reserved matters are approved.

Description of the Proposal

The application seeks outline planning permission for residential development of the site for up to 93 dwellings which will include a mixture of dwelling types and sizes. All matters, other than the access arrangement, are reserved for future consideration.

The access to the site is proposed directly off Ashby Road, along the southern frontage of the site, currently where a field access sits. The new access arrangement provides a priority junction. In order to accommodate the vehicular access, two trees along the southern boundary will need to be removed.

The access arrangement to the site lies with Hinckley and Bosworth Borough Council administrative area. The suitability of the proposed access for the development therefore falls to Hinckley and Bosworth Borough Council to assess and determine.

The proposal is accompanied by an illustrative masterplan which shows how the site could be developed for a scheme of up to 93 dwellings. The masterplan suggests a central road accessed into the site via Ashby Road with a number of spur roads serving a number of dwellings.

An attenuation basin is proposed to be incorporated within the public open space to the north eastern boundary of the site to contribute to a sustainable urban drainage scheme (SUDs). A further wild flower grassland area is proposed to be incorporated to the north western boundary.

The application includes the following supporting documents & plans:

- Application Form
- Site Location Plan
- Illustrative Layout
- Design and Access Statement
- Landscape and Visual Appraisal
- Tree Survey
- Phase 1 Desk Study Assessment
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Consultation Statement
- Flood Risk Assessment
- Noise Assessment
- Heritage Assessment

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements.

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, and protect the amenity of people who live or work nearby.

Policy CS3 – Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

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 CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to 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 CS16 – Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 – Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS24 – Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 – Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

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

Policy ST/2 – Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 – General Principles for areas of countryside... - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design – This 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 TR/18 Parking in New Development – This seeks to set the maximum standards by which development should provide for off street car parking.

Other material considerations

The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of particular relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes - The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 75). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the 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 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities - 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 - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be

minimised and the use of sustainable modes maximised (paragraph 105). 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 106). 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 111).

Section 12: Requiring well-designed places - The NPPF recognises that good design is a key aspect of sustainable development and that high quality, beautiful, sustainable and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change - New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

National Design Guide

This document sets out the Government's design guidance to support the NPPF.

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.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future

needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

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. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

The Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies and was approved by Council on 21 June 2021 for consultation and then

submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six week pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021.

This document sets out the Council's draft strategic and detailed policies for the period 2019-37. This document carries very limited weight at the current time.

The Markfield Conservation Area Appraisal (February 2010)

This document was produced by Hinckley and Bosworth Borough Council. However, due to the proximity of the site to the Conservation Area, the appraisal is a material consideration relevant to the determination of this application.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire Lead Local Flood Authority – LCC	Response awaited..
Housing Strategy & Support CBC	In accordance with policy CS3 requests 40% of new homes are affordable comprising a mix of 77% social and affordable rent and 23% shared ownership. No specific housing mix has been requested.
Environmental Protection - CBC	Response awaited.
Leicestershire County Council, (LCC) - Highways	<p>Does not object to the proposal, 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.</p> <p>The County Council Highways team have requested the imposition of a number of conditions and the following contributions:</p> <ul style="list-style-type: none"> • A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/ A50 corridor in order to mitigate off-site impacts from developments in the area. The suggested trigger point being payment of the CTS shall be based on: 25% prior to first occupation of the development; 25% prior to occupation of the 23rd dwelling of development; 25% prior to occupation of the 47th dwelling of development, and 25% prior to occupation of the 70th development.

	<ul style="list-style-type: none"> To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use: <p>A. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). The suggested trigger point being prior to the occupation of the first dwelling.</p> <p>B. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £360.00 per pass). REASON: To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation. SUGGESTED TRIGGER POINT: Payment of 25% of total obligated contribution paid prior to the occupation of the first dwelling. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council.</p> <p>C. Raised kerb provision at the nearest two bus stops (ID's 2427 & 2428) at a cost of £3,500 per stop. REASON: To support modern bus fleets with low floor capabilities SUGGESTED TRIGGER POINT: Prior to the occupation of the first dwelling.</p> <p>D. STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.</p>
LCC Education	Seek a contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 Brookvale Groby Learning Campus Secondary School.
LCC Libraries	Seek a contribution of £2,810.00 towards facilities within the area.

LCC Civic Amenity	Seek a contribution of £6,080.00 towards improving waste capacity within the area.
Newton Linford Parish Council	Objects to the application on the grounds that the development lies outside of the housing growth area for Markfield and encroaches into an elevated part of Charnwood Forest; an area of natural beauty within the parish of Newtown Linford. The development would also increase pressure on already stretched services, including the GP Surgery, Mercefeld Primary School and South Charnwood High School. The development will also impact on highway safety, residents already struggle exiting both Markfield and Newtown Linford safely onto the dual carriageway at busy times and further vehicles leaving Markfield would only add to this ongoing local problem.
Leicestershire Police	No objection to the proposal.
Charnwood Open Spaces	<p>No objection raised. The development shall include the following on site provision(s):</p> <ul style="list-style-type: none"> • Parks – 0.07ha on site in the form of a multi-functional green space area combined with the Amenity Green Space provision; • Natural and Semi Natural Open Space – 0.45ha defined habitat areas should be identified and created within the proposed on site open space. These areas should be laid out and managed for the their ecological/wildlife value in accordance with a landscape and biodiversity Strategy/Management Plan for the site; • Amenity Green Space – 0.10ha on site in the form of a multi-functional green space area combined with the Parks provision; • Provision for children – 1 facility on site (suitable LEAP to be provided – Equipment and design to be approved by CBC prior to commencement of development) • Provision for a site suitable and agreed young people's equipment/facilities. <p>The following developer contributions have been requested, where on-site open space provision is not to be met on-site, in order to mitigate the impact of the proposed development in accordance with Policy CS15 of the Charnwood Local Plan Core Strategy 2011-2028:</p> <ul style="list-style-type: none"> • Outdoor sports facilities - £32,839.00;

	<ul style="list-style-type: none"> • Allotments - £10,501.00; • Parks - £14,028.00; • Natural and Semi-natural areas - £21,141.00; • Amenity green space - £10,064; • Indoor Sport - £44,381 towards swimming pool improvements, 0.07 indoor courts (at a cost of £42,431).
Charnwood Biodiversity	No objection to the development of the site, subject to the use of an appropriate mechanism to ensure that no unacceptable biodiversity loss occurs that cannot be mitigated.
NHS - CCG	Seek a contribution of £51,367.69 towards improving the capacity of Markfield Medical Centre to allow for the accommodation of 225 additional patients generated by the scheme.

Other Comments Received

20 objection letters have been received from local residents and The Friends of Charnwood Forest. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- The site is a visually intrusive site, at 200 metres elevation, on a prominent edge of a Markfield outcrop. It has spectacular views of between 5-7km across a mixed vista of wooded hillsides, and open pasture. Conversely this site can be viewed from across an area of outstanding beauty.
- This application pays no regard to the Charnwood Forest Landscape assessment or the objects of the recently formed Charnwood Forest Regional Park to preserve the landscape.
- The site should be refused on road noise alone. All the readings were on a dry day, add on another 10-15db for a wet day and it is now very loud.
- The mitigation proposed will still make it uncomfortable to be in the garden, let alone open a window.
- The development will create an unacceptable impact on local services (Primary School and Doctors Surgery)
- The reliance on the private motorcar will create a further impact on the surrounding environment
- There is no need as the Markfield Neighbourhood Plan has already been analysed and concluded that the provision of housing and infrastructure for the Parish has already been met
- The development does not accord with the Markfield Neighbourhood Plan
- The site is in the area of the Charnwood Forest Regional Park and the National Forest. The proposed development does not fall within the criteria set out in existing and emerging Local Plans for development in those areas.

- The site is on a prominent height at the edge of open and wooded countryside of the Ulverscroft Valley.
- The downhill part of the site is adjacent to the slip road from the A50 dual carriageway and is less well screened. Noise protection requirements could cause harm to the local landscape
- The site is outside limits to development in current and emerging Local Plans, and as proposed in the referendum version of the proposed Markfield Local Plan
- Ashby Road is a natural boundary to the village proving extensive views over open country towards Bradgate Park. The proposed development would cause considerable harm to the vista and deny the village of this amenity

2 letters of support have been received from local residents. The list below summarises those points raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- The proposal represents a well-thought out and thorough application
- There is a need for houses in Charnwood as they don't have the 5-year land supply currently, and there is a need for affordable housing in Charnwood.
- The proposed development has been well thought out and is in a sustainable area.
- The site has great visibility onto the Ashby road, so there are no highway concerns.

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 Charnwood Local Plan 2011-2028 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. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are considered up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them, in this regard

As the Core strategy is now five years old the Authority must use the standard method to calculate its housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 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 paragraph 11d 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 the greenfield site is outside of the defined limits to development and within the open countryside, it does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered that in this instance the exceptions in paragraph 11d i) would apply.

The main issues are considered to be:

- The Principle of Development
- Housing mix
- Landscape and Visual Impact
- Design and Layout
- Open Space
- Impact on Residential Amenity
- Highway Matters
- Flooding and Drainage
- Ecology and Biodiversity
- S106 Contributions.

Principle of Development

The application site is located predominantly within the Newtown Linford parish but it is outside of the settlement limits as established under “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these settlement limits policies CT/1 and CT/2 apply, which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. These policies are those that are the most important for establishing whether development of the site for housing is acceptable in principle.

Within the settlement hierarchy, Newtown Linford is identified as an ‘Other Settlement’ where housing growth is limited to predominantly small scale development within settlement limits. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment. Markfield itself lies within Hinckley and Bosworth Borough, but the built form of the village lies on the boundary with Charnwood Borough. Markfield is considered to have a range of services and facilities that is consistent with a Service Centre. The extremely close proximity of the site to Markfield is a material consideration and it should be recognised that future residents are likely to access services and facilities, including public transport from this village.

Despite the site's proximity to Markfield, the development is at odds with the housing supply policies within the Charnwood Core Strategy as it comprises a large-scale development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land (3.34 years), the policies in the development plan that seek to control the supply of housing must be considered to be out of date and the presumption in favour of sustainable development in para 11 of the NPPF requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the development of up to 93 new houses at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However, given the 5 year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2, and ST/2, which seeks to direct growth away from smaller settlements which weighs against the proposal. However, it is not considered this identified harm would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned, especially when considering the sustainability of the site which is not isolated and lies adjacent to a settlement in Hinckley and Bosworth Borough that is considered to be similar in its characteristics and role to a Charnwood 'Service Centre'. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

Housing mix

Policy CS3 of the Core Strategy helps define a 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 93 units (37 no.) should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed.

Policy CS3 generally accords with the National Planning Policy Framework and does 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 it.

The proposal is in outline and includes an undertaking to provide 37 affordable homes (40%). 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 is still considered to be appropriate to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that a planning 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:

Market Housing

No. of beds	HEDNA suggested %
1	0%-10%
2	25%-35%
3	45%-55%
4+	10%-20%

Affordable Housing Mix

No. of beds	HEDNA suggested %
1	40-45%
2	20-25%
3	25-30%
4+	5-10%

It is considered that a proposal which complies with Policy CS3 could be achieved. The provision of 37 affordable units is also a benefit of the scheme which weighs within the planning balance.

Landscape and Visual impact

Policies CS2 and CS11 are concerned with protecting the landscape and ensuring new development does not result in visual harm. A Landscape and Visual Appraisal (LVA) has been submitted with the application which looks in detail at these impacts. These policies generally accord with the National Planning Policy Framework and do not directly impact on 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 site is within the Charnwood Forest designation and the National Forest. The Landscape Sensitivity Assessment for SHLAA Sites (2019) examined the site when a call for sites was issued. The study ranked the site as low to moderate sensitivity for 2 to 3 storey residential development with no significant variations across the site. The criteria which scored moderate were for views and visual character, form density and setting of the existing settlement. It noted that the land does not “*make a significant contribution to the landscape setting of the existing settlement*”. The most sensitive landscape features are considered to be the trees and hedgerows and medium to long range views.

The Landscape and Visual Appraisal (LVA) finds that the loss of an agricultural field to facilitate the residential development would create a localised effect but it would not constitute an unacceptable impact on landscape fabric or character in the long-term. It notes the potential to integrate a soft landscape buffer within the development will integrate the development into the existing built form of the area.

The Design and Access Statement sets out that a 20% quota of tree planting would be provided throughout the site but the illustrative layout (not part of the application for approval) seems to confine the tree planting to the perimeter and intermediate hedgerow. Notwithstanding this it is considered through the use of appropriate

planning conditions, the reserved matters submission could secure a landscaping scheme that provides for a greater dispersal of trees throughout the site.

The retention of boundary vegetation and woodland planting also limits any perceived effects on the wider landscape character area. Whilst it is acknowledged that there may be some the landscape impact in the short term whilst new landscaping matures, it is considered that the visual impact of the development from the public areas identified could be mitigated following careful consideration of design at the reserved matters stage if outline permission were to be granted.

It is therefore considered that that a scheme could be designed which accords with policies CS2, CS11, EV/1 and CT/2 in this regard.

Design

Policies CS2 and EV/1 seek to ensure that a high quality design for new development is brought forward. 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.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout has been included which shows how the site could be developed and design principles are also set out within the Design and Access Statement which identities a sympathetic scheme could be brought forward on the site.

If the application were to be considered acceptable on balance, the detailed design will be assessed as part of the reserved matters submission. Accordingly, it is considered a proposal that complied with Policies CS2 and EV/1 of the Development Plan and national guidance in terms of design could be achieved for the site.

Open space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the National Planning Policy Framework and does 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 the policy.

The indicative plan and the Design and Access Statement suggest that within the site there will be areas of green space incorporating amenity open space and play space. There is, however, no provision for older children, sports or allotments. Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the village could be secured.

Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate contributions secured as a planning obligation in a S106 legal agreement. Accordingly, the proposal is considered to comply with policy CS15 of the Development Plan.

Amenity and Noise

Policies CS2 and EV/1 require the amenity of existing and future residents to be protected. 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 it.

It is considered that the indicative layout provides ample space to ensure that the amenity of adjacent houses is not harmed by loss of light, privacy or outlook. The detailed design will be considered as part of the reserved matters.

The formal response from Environmental Health Team is pending, these comments will be updated as part of the late items to Members at the Plans Committee. However, given that the proposal is at an outline stage the noise mitigation can be conditioned to overcome any issues.

The proposal has been accompanied by a Noise Assessment which has concluded that the maximum noise exposure levels recorded on the site are to boundary overlooking the A50, which falls within the category of High Risk. The boundary overlooking Ashby Road falls within the category of Medium Risk. The noise impact can however be readily designed out within the detailed scheme through the layout, installation of acoustic garden fences; and selecting glazing systems, acoustically attenuated ventilation and building fabric with sufficient sound reduction. The proposed attenuation details will all form part of the reserved matters consideration.

In conclusion, it is considered that the proposal can be designed in a way that provides an acceptable standard of amenity for existing and future residents. This would mean it would comply with Development Plan Policies EV/1 and CS2.

Heritage

Policy CS14 of the Core Strategy is concerned with heritage and seeks to ensure heritage assets are protected and conserved. This policy accords with the National Planning Policy Framework and does 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 it.

The site is not within a Conservation Area but the designated Markfield Conservation Area is lies to the south east and it is considered that the proposal has the potential to impact on its setting. Similarly, there is a listed building 260m away to the north and a non-designated heritage asset to the south.

The development has been accompanied by a Heritage Statement which has concluded that there will be no material harm to any Listed Buildings or the Markfield Conservation Area setting.

Listed Building and Non-designated Asset

In regard to the Listed Building, Home Farm, Priory Lane, is visible to the north east from the development site. It is viewed in the distance from the site, therefore is

considered to fall within its setting. The setting of the farmhouse emphasises its historic development in the wooded landscape of Charnwood Forest.

In regard to the non-designated asset, the Queens Head Public House, Ashby Road is a 3 bay, 2-storey, slate roofed building dating to the early 19th century. It has two brick built end stacks and a pitched and gabled roof. The roadside setting of the pub and its position at the top of the High Street contribute to its significance as one of only 4 pubs in Markfield.

The proposed development cannot be seen from the Queens Head property. It is considered that given the landscaping and scale of development, as well as the intervening distance, the development would result in no harm on the Queen's Head. In regard to Home Farm, Priory Lane it is considered this designated heritage asset would be screened from the proposed development to the north of the A50. Although the development will be seen across the A50 the screening effect of the surrounding trees, the intervening distance and land uses would mean that the proposal would not harm the heritage significance of the Listed Building or its setting .

Conservation Area

The Markfield Conservation Area focusses on the historic core of the village, along Main Street and identifies key views, listed and unlisted buildings, key historic buildings and landmark buildings. The Conservation Area is divided into character areas with the section of the Conservation Area closest to the proposed development categorised as a 'gateway'. This characterises the northern end of the Conservation Area where the setting, described as the trees flanking Ashby Road and Ashby Road itself, is considered to provide '*a natural link with the countryside beyond the limits of the village and the densely built up historic core*'.

The Conservation Area derives its significance from its historic architecture, its character which encapsulates the views to the south, the church and the early modern streetscape. The proposed development would add an area of residential development into the linear development extending along Ashby Road. The application proposes the retention of the boundary walling and the majority treeline along Ashby Road, with the exception of the removal of some of the trees to facilitate the vehicular access.

The removal of the boundary features in order to form the vehicular access to the site falls within Hinckley and Bosworth's administrative area. The Conservation Officer for Hinckley and Bosworth has assessed the impact of the proposal and has concluded the following:

"This proposal affects the significance of the Markfield Conservation Area and the non-designated heritage assets by virtue of its location within the wider setting of these heritage assets. Overall the proposal is considered to have a neutral impact causing no harm to their significance. The proposal therefore preserves the significance of the Markfield Conservation Area"

The inclusion of the trees and wall will also further reduce the impact of the development when approaching Markfield Conservation Area from the west. It is

considered that whilst this setting of this section of the Conservation Area will be to altered through the introduction of the built form, the majority of the boundary features would be retained, and further additional planting would soften the appearance. The landform falling away from the road frontage would further reduce the impact of the proposal on the conservation area. With these points in mind, it is considered that the proposal will have no impact on the character and appearance of the Conservation Area and its setting overall and would at least preserve and maintain its historic character.

In conclusion, it is considered that the development would not result in harm to the significance to the designated and non-designated heritage assets or their setting. The proposal therefore complies with the provisions of CS14 the NPPF and the guidance contained within the Planning (Listed Building and Conservation Area) Act 1990.

Arboriculture

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. 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.

A Tree Survey submitted with the application shows that the proposal will require the removal of a number of trees to the site frontage within Hinckley and Bosworth's administrative area which does not form part of this application being considered. The loss of a number of trees to facilitate the access arrangement is a consideration for Hinckley and Bosworth Borough Council.

For completeness, the Tree Officer from the County Council has responded to Hinckley and Bosworth and has raised no objection to the removal of the trees to part of the frontage within Hinckley and Bosworth's administrative area.

No trees will be lost within part of site falling for the Council to consider and an opportunity for a significant increase in tree planting as part of landscaping commitments exists.

It is considered, therefore, that the proposal complies with Development Plan policies CS2, CS11.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The application is supported by an Ecological Appraisal.

The site has been assessed by both the Council's Senior Ecologist and the applicant's ecologists and it is recognised by both parties that an amount of the grassland within the site meets the Local Wildlife Site (LWS) criteria and constitutes an important

ecological feature. The Council and the applicant have considered the indicative layout as a potential direction of travel for the development of the site and have both concluded that the level of biodiversity loss resulting for the indicative development needs to be addressed.

It is considered that in this instance potential loss could be addressed by detailed measures secured by approval of planning conditions and approved as part of the detailed reserved matters application. It is also recommended that a mechanism be included within the Section 106 agreement that requires the reserved matters scheme to be subject to a biodiversity impact assessment (BIA) using an appropriate metric which can secure an off-site mitigation contribution in the unlikely event that the scheme does not protect against a net loss of biodiversity.

Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure that there is no biodiversity loss on site or that if there is unavoidable loss it is otherwise compensated for offsite. Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity at the reserved matters stage and provisions secured if necessary via the S106 agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

Flood risk/drainage

Policy CS16 of the Core Strategy seeks to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does 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 it.

The site lies within flood zone 1 where the risk of flooding is generally low. The application includes flood risk assessment, which also includes a drainage strategy. The strategy suggests that surface water would be collected within a detention basin and SuDs features within the site and discharged at a green field run off rate.

The Lead Local Flood Authority's comments are awaited and will be provided in a late item. Subject to their comments 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 Development Plan policy CS16.

Highway matters

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.

Capacity

The access is to be located to the southern side of the site, with the connection to the highway network falling with Hinckley and Bosworth Borough Council's administrative area on the Ashby Road. Whilst this element of the proposal does not fall to Charnwood Borough Council to formally consider and determine, it is noted, for completeness, that the submission has been accompanied by a Transport Assessment.

The Local Highway Authority requested, as part of their assessment, that the Applicant undertook a capacity assessment of Junction 22 of the M1 Motorway. The Applicant stated that they do not consider an assessment of this junction to be necessary, given that the proposed development and the level of trips generated (29 two way trips in the AM peak and 28 two way trips in the PM peak) falls below the threshold of 30 two way trips usually required to undertake capacity assessment. The Local Highway Authority has accepted the comments made by the applicant in regard to the trigger for a capacity assessment and considers that no further assessment of the junction is necessary. The Local Highway Authority has requested that a contribution of £4,884 per dwelling towards the extended Coalville Transport Strategy to secure improvements to the A511/ A50 corridor in mitigating off-site impacts from developments in the area. The contribution will specifically aid in the mitigation of the additional vehicular movement from the proposed development to ensure that severe residual cumulative highway impacts do not occur.

The Local Highway Authority also sought clarification on the following points, namely:

- Further consideration of trip distribution, particularly in respect of traffic travelling to/from the Field Head roundabout;
- Consideration of H&BBC application references 20/00848/FUL and 21/00387/OUT as part of a sensitivity test within the capacity assessments;
- Capacity assessments of the Field Head roundabout and M1 Motorway J22;
- Updates to the Travel Plan;
- Further consideration to footway links between the existing bus stops and the site.

The above additional information has been received and reviewed by the Local Highway Authority. The Local Highway Authority have not objected to the proposal based on the revised information.

The appropriateness of the vehicular access arrangement to the site will be assessed and determined by Hinckley and Bosworth Borough Council. However, the Local Highway Authority have not objected to it and but have recommended the imposition of a number of planning conditions as well as a request for a number of financial contributions to be secured as planning obligations in a S106 legal agreement.

Sustainability

The proposal includes a footpath link to an existing bus stop on the frontage of the site. The main access to the site connects to the footpath along Ashby Road. These would help integrate the site with the village and would encourage journeys to local

facilities and green space on foot. It is considered that these links assist in the integration of the development and the development therefore considered to comply with policy CS17.

. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design.. Accordingly, the proposal is considered to comply with relevant development plan policies and not to give rise to transport related harm, subject to a number of contributions and the imposition of a number of conditions.

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 a proposal for up to 93 dwellings.

Education	A contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 towards Brookvale Groby Learning Campus Secondary School.
NHS	A contribution of £30,378.74 towards improving the capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.
Open Space	The following provisions have also been requested. An outdoor sports facilities £32,839.00, allotments equating to £10,501.00 and an indoor sports contribution to consist of £44,381 towards swimming pool improvements, 0.07 indoor courts (at a cost of £42,431).
Libraries	A contribution of £2,810.00 towards library facilities.
Civic Amenity	A contribution of £6,080.00 towards improving waste capacity within the area.
Biodiversity mitigation	<p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference:</p> <ol style="list-style-type: none"> 1. To achieve no net biodiversity loss. 2. Mitigation on site.

	Offsite contribution to commentary payment for a project within the vicinity of the development (to be agreed by all parties).
Sustainable Transport	A request has been made for the provision of travel packs for each dwelling, which will include two six month bus passes, two per dwelling.
Highway Improvements	<p>A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy.</p> <p>The provision of raised kerbs at the nearest two bus stops.</p> <p>Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £6,000.</p>

These contributions (with the exception of indoor sport) are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24. There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. As a result, it has not been fully demonstrated that the contribution towards indoor sport provision is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122.

Planning Balance

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide up to 93 new units of which 37 would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, noise, heritage, landscape or flooding that cannot be mitigated and secured by way of detailed landscape design. The potential impact on the Ecology of the site can be mitigated through the use of planning conditions and Section 106 requirements. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing.

RECOMMENDATION A

That authority is given to the head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Education	A contribution of £512,132.40 towards Newtown Linford Primary School and £277,632.16 Brookvale Groby Learning Campus Secondary School.
Affordable Housing	40% of units to be affordable comprising a mix of 77% social and affordable rent and 23% shared ownership.
Open Space	The provision of off-site contributions for outdoor sports facilities £32,839.00 and allotments equating to £10,501.00.
NHS – CCG	A contribution of £51,367.69 towards improving the capacity of Markfield Medical Centre to allow for the accommodation of 225 additional patients generated by the scheme.
Libraries	£2,810.00 towards library facilities.
Highways	<p>A contribution of £454,212 (£4,884 per dwelling) towards the extended Coalville Transport Strategy to facilitate improvements to the A511/ A50 corridor in mitigating off-site impacts from developments in the area</p> <p>The provision of raised kerbs at the nearest two bus stops.</p> <p>The provision of travel packs for each dwelling, which will include two six-month bus passes, two per dwelling.</p> <p>Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £6,000.</p>
Civic Amenity	£6,080.00 towards improving waste capacity within the area.
Biodiversity Mitigation	<p>The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment (using the Warwickshire County Council calculator) with an agreed baseline for the site, at reserved matters stage. Mitigation will be provided in order of the following preference:</p> <ol style="list-style-type: none"> 1. To achieve no net biodiversity loss. 2. Mitigation on site. 3. Offsite contribution to commentary payment for a project within the vicinity of the development (to be agreed by all parties).

RECOMMENDATION B

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1.	<p>Application for the approval of the reserved matters shall be made within three years 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.</p> <p>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.</p>
2.	<p>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.</p> <p>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</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">• 001 Revision B Site Location Plan <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.</p> <p>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 policy CS3, and the advice within the NPPF.</p>
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none">i) the treatment proposed for all ground surfaces, including hard surfaced areas;ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;iii) finished levels or contours within any landscaped areas;iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.

	<p>v) functional services above and below ground within landscaped areas; and</p> <p>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</p> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 of the Development Plan.</p>
6.	<p>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.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policy CS2 of the Development Plan and associated national and local guidance.</p>
7.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> i. 0.07ha multi-functional green space area ii. 0.45ha of natural and semi-natural open space iii. 1 equipped LEAP iv. 0.10ha multi-functional green space area v. A young people's equipment/facilities <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15 and</p>
8.	<p>The development shall be carried out in accordance with the Flood Risk Assessment dated May 2021 submitted with this planning application.</p> <p>REASON: To ensure that there is no risk of flooding to future residents and that the proposal drains adequately and does not lead to flooding elsewhere. This is to ensure compliance with development Plan policies CS16 and national guidance.</p>
9.	<p>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.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
10.	<p>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.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water run-off quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p>

11.	<p>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.</p> <p>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.</p>
12.	<p>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.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>
13.	<p>No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:</p> <ul style="list-style-type: none"> • Details of the management of surface water during construction • Details of construction vehicle parking • Details of construction traffic routeing • Hours of operation for construction and delivery of materials <p>REASON: To ensure that the development does not cause harm to amenity, biodiversity or the environment during the construction phase and ensure compliance with Development Plan policies CS2 and CS16.</p>
14.	<p>Prior to occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS15 and CS16</p>
15.	<p>Development shall not commence until an assessment of the risks posed by any contamination has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>

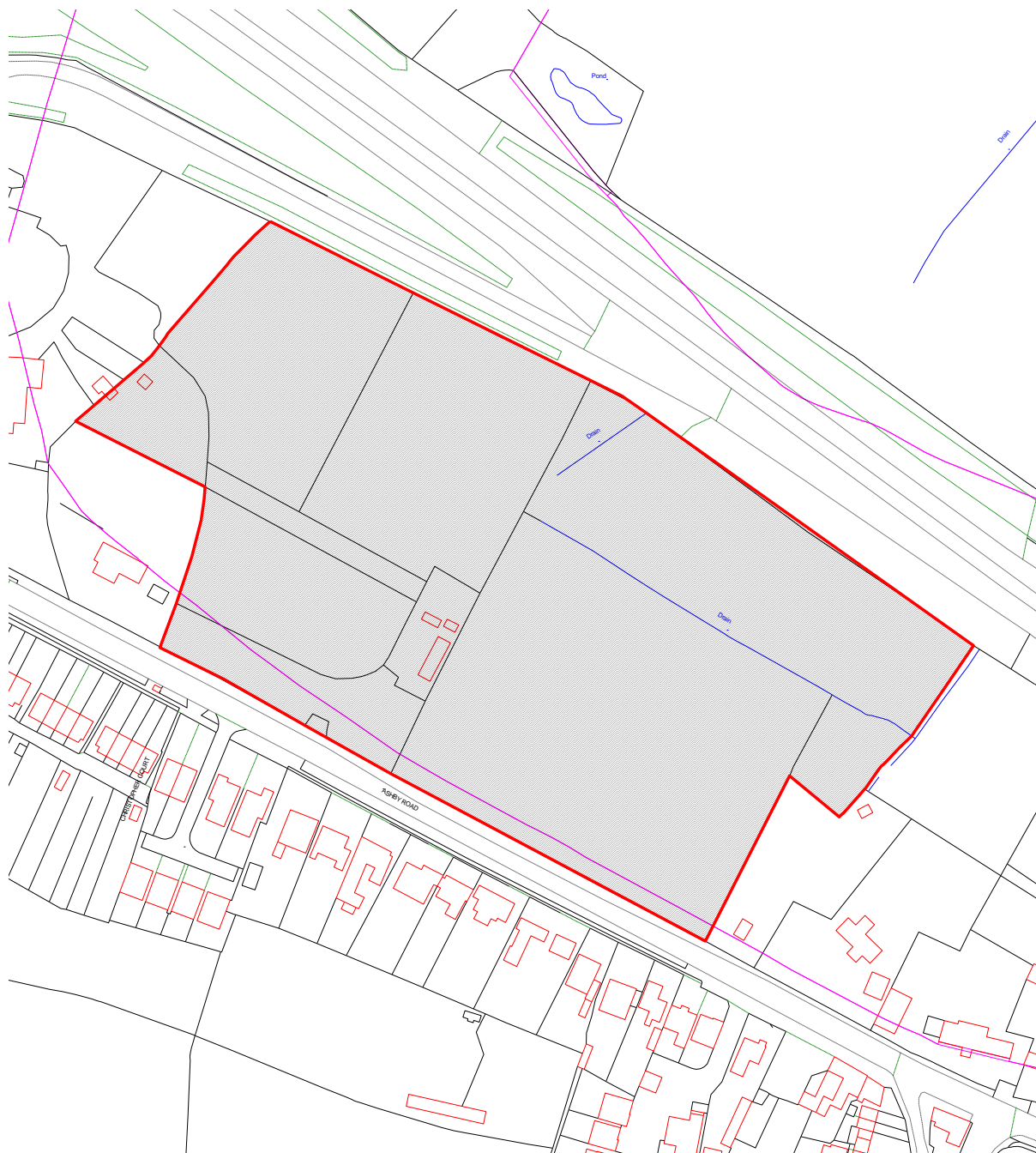
16.	<p>Where the above approved risk assessment identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
17.	<p>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.</p> <p>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 (2021).</p>
18.	<p>No part of the development hereby permitted shall be first occupied until a framework/full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
19.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. As a minimum these details shall include:</p> <ol style="list-style-type: none"> 1) The retention and enhancement of important ecological features including grassland, hedges and associated ditches. 2) Prior to the occupation of any dwelling a Biodiversity Management Plan (BMP) will be prepared and implemented. <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF</p>

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 and TR/18. 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 (2021), 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>
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>



Item No. 2

Application Reference Number P/20/2393/2

Application Type:	Outline	Date Valid:	22/12/2020
Applicant:	Clarendon Land and Development		
Proposal:	Development of up to 130 dwellings, provision of land for school expansion, open space and children's play area. Outline application with all matters reserved except access.		
Location:	Land off Humble Lane, Cossington, Leicestershire		
Parish:	Cossington	Ward:	Sileby/Wreake Villages
Case Officer:	Louise Winson	Tel No:	07864 603398

Background

This application has been brought to plans committee as it relates to a major housing development, outside current limits to development and is considered a departure from the Development Plan as it is recommended for approval. The application has also been called in by Ward Cllr Poland for the following reasons:

- The scale of development relative to the size of the village
- The effect the development could have on flooding in the village
- Sustainable of the development given the lack of services in Cossington
- The effect on the local highway network, especially during times of floods

Description of the Application Site

The site is situated on the eastern edge of Cossington, and is approximately 9.7 ha in size. The site is currently used for agricultural purposes. The site is largely in Flood Zone 1 with the northern most part within Flood Zone 2.

The land levels are relatively flat within the site having an open aspect and bounded by trees and hedgerows along the northern eastern and southern boundaries. The character of the adjacent surrounding area can be set out as follows:

Boundary	Description
North	Derry's Garden Centre, Brook Farm and an arable field. A small watercourse runs along this entire boundary within the application site.
East	Agricultural land which extends towards the midland mainline railway.
South	Humble Lane runs along this entire boundary with agricultural land beyond.
West	Forms the existing edge of the village consisting of a combination of tree lined hedgerows, the rear boundaries of existing properties and land belonging to the Cossington C of E Primary School. The locally known 'Polly Pegg's' public footpath runs along part of the length of this boundary within the application site.

The site is adjacent to an area of local separation between Cossington and Sileby. There are no other specific landscape designations for the site. The site is located within the Soar Valley Landscape Character Area.

Description of the Proposal

This outline planning application seeks permission for the erection of up to 130 dwellings, provision of land for school expansion, open space and children's play area with all matters reserved except access. The main access into the site would be off Main Street with a secondary emergency access proposed onto Humble Lane.

The proposed density of the residential areas would be an average of 14 dwellings per hectare, with 40% affordable housing proposed. The submitted indicative plan shows how a road layout could provide a primary spine road through the site, with areas for housing open space, structural landscaping and drainage infrastructure. The plan also makes provision for an area of land to the west to be set aside for an extension to the school and the 'Polly Pegg's' footpath PROW 167 to be retained.

The submitted plans show the retention of the existing boundary treatments and hedgerows within the site other than where the access road would break through the existing hedgerows. The illustrative masterplan (which is not for approval at this stage) indicates there might be parcels of housing situated off spurs along a central spine road. There is also a large area of natural open space would be concentrated to the northern edge of the site to provide a green edge to the site whilst incorporating drainage measures and through the central section of the site.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies East Goscote as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

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, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

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 CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to 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 CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

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

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design - This 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 TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

Other material considerations

The National Planning Policy Framework (NPPF 2021)

The National Planning Policy Framework sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of particular relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 75). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the 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 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities

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

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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 106). 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 111).

Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality, beautiful, sustainable and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change
New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

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.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

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.

Landscape Character Appraisal

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature of the application proposals, it is not considered that the application would constitute EIA development.

The Draft Charnwood Local Plan 2021-37

The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six-week pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021. This document carries only very limited weight at this time, however, the site has been proposed as a residential allocation of 124 homes under policy DS3 (HA59).

Cossington Conservation Area Character Appraisal (2014) – This document examines the historic development of the Conservation Area and describes its present appearance in order to assess the special architectural and historic interest of the area.

Cossington Neighbourhood Plan – Cossington was designated as a Neighbourhood Plan Area on 17th March 2020 and is currently at the evidence gathering stage. As a result, little weight can be assigned to the Plan at this stage.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of planning permission.
Housing Strategy & Support CBC	Seeks 40% (52 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership.
Leicestershire County Council – Highways	Does not object to the proposal in principle subject to a number of conditions to provide the following: <ul style="list-style-type: none">• Provision of the access arrangements• A construction traffic management plan

	<ul style="list-style-type: none"> • Provision and maintenance of pedestrian and vehicular visibility splays • Implementation of the submitted Travel Plan • Provision of Public Right of Way 162 • Provision and maintenance of the emergency access onto Humble Lane <p>The following contributions are also sought:</p> <ul style="list-style-type: none"> • Raised kerb provision at two local bus stops at a cost of £4,000 • A Travel Plan monitoring fee of £6,000 • Travel pack for the first occupation of each new dwelling • Appointment of a Travel Plan co-ordinator • Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Leicestershire County Council - Education	<ul style="list-style-type: none"> • Confirms that Cossington Primary School has a net capacity of 105 and 140 pupils are projected on the roll should this development proceed; a deficit of 39 pupil places. The overall deficit including all schools within a two mile walking distance of the development is 123 pupil places. The 39 pupil places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 39 pupil places (£928,571.42) in the primary sector is justified. The provision of 1.2 hectare of land to provide an extension to Cossington Primary is also required to mitigate the impact of the proposal and other developments in the locality coming forward. • Seeks a contribution of £18,726.90 towards secondary school provision at Humphrey Perkins School. This is based on the development for 228 dwellings proposed at Land off Barnards Drive, Sileby being granted planning permission. • Seeks a contribution of £36,300.78 towards special school provision at Loughborough Ashmount School. This is based on the development for 228 dwellings proposed at Land off Barnards Drive, Sileby being granted planning permission.
Leicestershire County Council - Libraries	Seeks a £3,920.00 contribution towards the enhancement of Sileby Library.

Leicestershire County Council - Waste Management	The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facility in Mountsorrel. As such a developer contribution of £6717.00 is required.
Environment Agency	Raises no objection subject to conditions. Confirms that the main access into the site is located in Flood Zone 3. Advises that the LPA should be satisfied that the arrangements for the secondary access are acceptable.
CBC Environmental Health	Raises no objection subject to conditions that require further contaminated land survey work be undertaken and if necessary, remediation and verification. Conditions are recommended to investigate and where necessary deal with landfill gas.
Cossington Parish Council	<p>Strongly oppose the application and makes the following comments:</p> <ul style="list-style-type: none"> • The proposal would be out of scale with the existing village • The proposal would have an unacceptable impact on Heritage Assets • Highway Safety with regards to the proposed access point and traffic flow through the village • Lack of infrastructure capacity and additional pressure on local services • Flooding at the access point and in the village • Access to the site should be restricted for HGVs <p>Developer contributions to provide the following are requested:</p> <ul style="list-style-type: none"> • Traffic calming • Bypass around village to Charnwood Edge roundabout • Flood Alleviation • New School • Boundary Fencing • Community Centre • Doctors Surgery • Post Office and store • Dentist • Police Station • Train Station • Nursery facilities
Sileby Parish Council	Reported that it was waiting further highway information to be submitted before commenting. This has been submitted but no further comment received.

Edward Argar MP	Highlights the concerns raised by constituents on the following grounds: <ul style="list-style-type: none"> • Scale and the impact on the character of Cossington • Transport considerations • Impact on local services • Flooding
Campaign for the Protection of Rural England	Objects to the proposal on the grounds that it is unsustainable development in the countryside. The development would lead to increased car use due to its location and access to facilities/services/public transport. The development does not meet local housing needs. And the loss of agricultural land
Charnwood Open Spaces	Seeks the following contributions: <ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.10ha) • An on-site natural and semi open space (minimum 0.62ha) • An on-site amenity green space (minimum 0.14ha) • An on-site LEAP facility • On-site provision for young people • 0.81ha on-site provision or a £42,817.00 contribution towards off-site outdoor sports facilities • 0.10ha on-site provision or a £14,680.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington • An indoor sports contribution to consist of £59,044.00 towards swimming pool facilities, £57,051.00 towards indoor court facilities and £8,424.00 towards indoor bowls rink facilities
NHS CCG	Seeks a contribution of £95, 739.07 towards the provision and enhancement of facilities at The Banks and High Gate Medical Centre surgeries.
Leicestershire Police	Raises no objection. Makes design suggestions to limit opportunities for crime.
Cllr Poland as County Councillor	Objects to the application in capacity as a County Councillor for the following reasons; <ul style="list-style-type: none"> • Scale of development too large and out of character with the village • Harm and loss to area of local separation

	<ul style="list-style-type: none"> • Unsustainable development due to lack of services and facilities within the village • Additional pressure of local services
Cossington Parochial Church Council	Seeks a contribution of £437,500.00 towards enhancement and provision of community meeting facilities in the village.

Other Comments Received

189 letters of objection have been received from local residents. Objections raised are summarised as follows:

- The development is in an unsustainable location
- The adverse landscape impact
- Highway safety
- Traffic congestion
- Pressure on existing infrastructure and services
- Scale and design
- Loss of a greenfield site/agricultural land
- Impact on ecology
- Loss of trees
- There is no need for extra housing in the village
- Impact on the countryside
- Flooding/drainage
- Loss of privacy
- Lack of services and facilities in the village to accommodate the new residents
- Lack of employment opportunities for the new residents
- There is no proven need for affordable housing
- Contaminated land and risk to public health/safety
- Underground pipeline danger to public safety

Relevant Planning History

There have been no planning applications on the site which are specifically relevant to the current application.

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 Charnwood Local Plan 2011-2028 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. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any

relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them in this regard.

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 (3.34 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 paragraph 11d 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 designated heritage assets can be included. In this case although the site is situated adjacent to a village with a Conservation Area, it is approximately 100 away from the boundary with the designated heritage asset at its closest point and provides no direct views of the Conservation Area. It is therefore considered that the site does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered by officers that in this instance paragraph 11d i) would apply.

The main issues are considered to be:

- The Principle of Development
- Housing Mix
- Landscape and Visual Impact
- Design and Layout
- Heritage
- Open Space
- Impact on residential amenity
- Highway Matters
- Flooding and drainage
- Ecology and Biodiversity
- S106 Contributions

The Principle of the Development

The application site is located outside but adjacent to, the Development Limits to the settlement of Cossington, as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Cossington is identified as an "other" settlement where a limited level of housing growth which is predominantly small scale and within limits to development is

acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

These policies are those that are the most important for establishing whether development of the site for housing is acceptable in principle.

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the provision of up to 130 new houses at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However, given the 5-year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development plan's spatial strategy set out in policies CS1, CT/1, CT/2, and ST/2, which seeks to direct growth away from smaller settlements it is not considered this would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned. Accordingly, the proposal is considered to be acceptable in principle. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six-week pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021. This document carries only very limited weight at this time, however, it is worth noting, the site has been proposed as a residential allocation of 124 homes under policy DS3 (HA59). Whilst not a decisive factor, it is a material consideration in the determination of the planning application, that the Council has considered the site as a suitable location for housing growth.

Housing Mix

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 130 units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided.

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 form and includes an undertaking to provide 52 affordable homes (40%). 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, and it is suggested that this could be controlled and secured by a condition for both Market and Affordable housing. The tenure for affordable housing can be secured through the s.106 agreement.

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:

Affordable	
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 and profile to reflect this could be accommodated on site. Locally identified need and the character of the area could be achieved although care would need to be taken, (as per Policy CS3), to ensure the character of this edge of village location was not harmed by this.

With regards to housing mix, it is considered that a proposal which complies with policy CS3 could be achieved. The provision of 52 affordable units is also a significant benefit of the scheme which should be given weight within the planning balance.

Landscape and Visual Impact

Policies CS2 and EV/1 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS11 and CT/2 seek to protect landscape character and countryside. These policies generally accord with the NPPF and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies.

There are no specific landscape designations for the site. The site is located within The Soar Valley Landscape Character Area, an area noted for its flat wide river floodplain with rising valley sides. The river floodplain creates the recognisable character of the Soar Valley, a pastoral landscape of fields and wetlands with recreational facilities and wildlife areas. The valley slopes enclose it and add diversity with their variety of vegetation and land use or settlements and industry. The area to the north, east and south of the site is rural in nature, with the addition of the main midland railway line to the east which breaks up the immediate landscape in this locality. The area has sparse woodland cover. The strength of the landscape character is of moderate quality, and the landscape condition is moderate. The guidelines are to

generally conserve and enhance the pastoral landscape of the floodplain and maintain the current balance between the urban and rural character of the valley.

The site lies in open country outside of the settlement limits. Its characteristic as a flat open field is consistent with the character of the Soar Valley landscape area. The site is partially screened from the wider landscape area via the existing built form to the west and south. The site is more visible from the north and from the east, albeit views are broken with the presence of the railway line along with some mature trees and hedgerow cover.

It is necessary to consider whether the development would be harmful to the overall purpose, integrity or character of the Soar Valley Landscape Area.

The indicative development framework plan shows the proposed access road and green infrastructure towards the northern edge of the site. The housing development would be located in parcels through the site, around the land set aside for the school extension and around a central area of green infrastructure. An area of land would be retained for agricultural along the eastern boundary, between the application and the railway line. The existing green boundaries to the site will be retained and strengthened with additional hedge and tree planting. A new wildlife area would also be provided along the eastern boundary of the site. Given the location of the housing land away from the northern edge of the site, the existing appearance of the entrance to the village from Sileby to the north would not be completely lost. The appearance of the access can be somewhat mitigated through careful landscaping provision to the northern edge of the site. The location of the site to the east of the village would maintain the existing separation from the adjoining settlement of Sileby, with the overall width of the gap between the villages would not be reduced.

Whilst there would be some significant changes to the immediate appearance of the landscape through the construction of the access road which necessitates the removal of the existing hedgerow and trees at the access point, and, the development of housing on agricultural land, the effects overall would be relatively localised and of limited overall landscape impact. This could be mitigated with additional planting to be secured as part of the reserved matters application. Also, whilst only having minimal weight at the present time in the planning balance, the findings of the evidence base for the Draft Local Plan indicates that the development of the site could be accommodated without significant harm to the landscape.

It is therefore concluded that the overall long term impact on the landscape character of The Soar Valley would not be so significant as to change the overall character of the area or fail to comply with the guidelines of the landscape character appraisal. Whilst it should be acknowledged that there would be some limited landscape impacts at the site level, it is considered that the localised visual impact of the development could be mitigated following careful consideration of design at the reserved matters stage if outline consent were to be granted. It is therefore considered that a scheme could be designed which accords with policies CS2, EV/1 and CT/2 in this regard.

Design and Layout

Policy CS2 seeks high quality design for new development. 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.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative Development Framework Plan has been submitted which shows how the site could be developed and design principles are also set out within the Design and Access Statement. It is important that any key design parameters are identified and secured for inclusion within any reserved matters application by way of conditions if they are fundamental to the acceptability of the outline consent.

Given the need for landscape and visual mitigation and the need to protect amenity the following design parameters are suggested:

- The provision of a descending hierarchy of streets throughout the site
- Built form which sensitively integrates the school extension and drop-off facilities into the layout by using buildings to 'wrap' around the school land
- Providing good connectivity to the school land from the streets and pedestrian routes
- The provision of keynote buildings and feature green spaces with trees within the development parcels to include incidental planting along with trees and verges which are distinctive to Cossington
- The provision of green infrastructure along the eastern and western boundaries and structural landscaping adjacent to the built form along the northern edge of the site
- The provision of links through to the village to facilitate the link existing and proposed new development.
- Development to be predominantly single or two storey

If the application were to be considered acceptable, a planning condition securing specific securing these parameters could be attached to secure compliance with the design aspirations of the relevant policies and the NPPF (2021). Accordingly, it is considered a proposal that complied with Policies CS2 and EV/1 of the Development Plan and national guidance in terms of design could be achieved for the site.

Heritage

The boundary of the adopted Cossington Conservation Area is situated approximately 100m to the south west the site at its nearest point. Nos. 6-10 Main Street on the northern side of Main Street and opposite to the proposed access point are Locally Listed Buildings.

When considering a development proposal within a conservation area or within the setting of a locally listed building, sections 68 and 72(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the asset and Paragraphs 199-204 of the NPPF states that when considering the impact of a proposed development on the significance or setting of a designated or non-designated heritage asset, great weight should be given to the asset's conservation.

The significance of the Cossington Conservation Area can be described as follows:

- *The individuality of architectural styles and wealth of influences from different periods all found along a single street, from medieval remains and Tudor inspired details for the Gothic revival, Georgian terraces, Victorian villas and Arts & Crafts alterations;*
- *The interplay of chimneys with the tones and textures of traditional building materials which creates attractive distinctive roofscapes;*
- *The contribution of the mature trees throughout the street scene which is an uncommon feature of the Soar Valley villages;*
- *The consistency of the front boundary treatments which are often at low level and combined with open frontages ensure that buildings are relatively exposed allowing the architecture to define the streetscene;*
- *The easily discernible historic form and fabric which are not dominated or overwhelmed by infill developments;*

The boundary of the Conservation Area is located in the south west of the site approximately 100m away. The site does not form part of any key views to or from the Conservation Area including the approach from the north. The scheme given this context would be unlikely to result in any harm to the significance of the setting of the Conservation Area.

The significance of the locally listed buildings, nos. 6-10 Main Street opposite to the proposed access to the site can be described as follows:

- *Terrace of 3 Almshouses, constructed in 1872;*
- *Vernacular / Domestic Revival styling;*
- *Red/yellow local brick with stone dressings to openings;*
- *Pitched Swithland slate roof with 2 substantial ridge stacks embracing centre cottage;*
- *Pitched roof extends over single storey outrigger at rear of building, possibly a sympathetic later addition;*
- *3 & 4 light windows with stone mullions, each casement sub divided horizontally into 3 panes*

The proposed development would be visible from the locally listed buildings, but the view would be only a slight given the set back of the housing areas to avoid the flood zone. Landscaping adjacent to the access point into the site can also be secured to soften the visual impact of the development. It is concluded that there would be no direct impact on the buildings or their setting as a result of the proposed development. The careful consideration of the design and layout of a reserved matters scheme if

outline consent were to be granted could also ensure that the development would not harm the setting of the non-designated heritage assets.

Due to the location of the site within a Conservation Area and within the setting of the locally listed buildings, an assessment as to the potential impact on the designated and non-designated heritage assets must be made. With reference to paragraphs 199-204 of the NPPF, it is overall considered that the development would result in no harm to the significance to the designated heritage asset or its setting, that of the Cossington Conservation Area and the setting of the non-designated heritage asset, that of the locally listed buildings, Nos. 6-10 Main Street. The proposal therefore complies with the provisions of CS14 and the NPPF along with the Act in this regard.

Open Space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the NPPF and does 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 the policy.

The indicative plan and the Design and Access Statement suggest that within the site there will be areas green space incorporating amenity open space, play space and provision for older children. There is, however, no provision for older sports or allotments. Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the area could be secured.

Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate contributions. Accordingly, the proposal is considered to comply with policy CS15 of the Development Plan.

Impact on Residential Amenity

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

Objections have been received with concerns raised over the potential loss of privacy and amenity from the development.

The development would be visible from the existing housing occupiers to the west of the site along Main Street, Homefield Close, Fisher Close and Bennett's Lane. However, whilst these residents would see the proposed development there are no significant concerns identified at this time regarding the preservation of existing residential amenity. It will be necessary at a future reserved matters stage to ensure that the design, layout, scale and appearance of the development has regard for the separation distances contained within the Design SPD (2020) to prevent over-dominance and a loss of light or privacy to existing dwellings. It will also be necessary to ensure the position of any LEAP or NEAP play areas are sufficiently distant from

existing and proposed dwellings to prevent undue noise disturbance. The potential for noise and disturbance to the existing dwellings as a result of the new roads within the development is also a consideration. However it is considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of existing amenity occurs.

The amenities of the future occupiers of the development would be a consideration in the assessment of a future reserved matters application for the development if outline permission was granted. Whilst only indicative plans are submitted at this stage, it is considered that a suitably designed scheme could be provided which complied with the provisions of the Development Plan in this regard. The Environmental Protection Officer has recommended planning conditions that require noise mitigation measures to be approved as part of the detailed design of the dwellings due to the sites proximity to the Midland Mainline.

The proposal could, therefore, following careful design, comply with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

Highway Matters

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan 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

Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.

Local concern has been expressed regarding the impact of the development on highway safety.

The Highway Authority has reviewed the submitted Transport Assessment and proposed plans. Their views are set out below;

Site Access

The main access to the site will be provided via a simple priority junction from Main Street, Cossington, at the north-west corner of the site, with an emergency access proposed from Humble Lane along the southern boundary of the site.

Main Site Access

The main access from Cossington Road will be formed by a simple priority junction from the outside of the bend at the northern end of the village. The layout has been revised to 6m in width to allow satisfactory access by a coach so that it does not

sweep over the footways. The LHA is content with the revised layout of the main site access.

Emergency Site Access

A revised layout of the proposed emergency access from Humble Lane at the southern end of the site is shown on the submit plans. The LHA would comment as follows on the revised design:

- The access is now shown with a 5.5m carriageway and 2m footway, which is satisfactory;
- Swept path analysis for a refuse vehicle has been shown. The LHA notes that this would slightly overrun the verge on Humble lane, however minor widening can be agreed as part of the future S.278 detailed design and technical approval process for the emergency access;
- Swept path analysis for a coach has been shown on the submitted plans. The LHA notes that this would slightly overrun the verge on Humble lane, however minor widening can be agreed as part of the future S.278 detailed design and technical approval process for the emergency access;
- Swept path analysis for a hay wagon accessing and egressing the replacement field access has been shown on the submitted plans. The LHA notes that whilst the proposed design cannot accommodate such a vehicle, the supporting information with the application sets out that a Hay Wagon could not use the existing field access. Accordingly, the LHA is content with respect to this matter.

The LHA notes that insufficient details have been provided over how the use of the emergency access will physically controlled, and, that no details have been provided by the Applicant over how it will be managed and enforced. Given that insufficient information has been provided, and also given that it is unlikely that the LHA would adopt the emergency access beyond the back of the field access, the LHA has advised an appropriate planning condition to enable these matters to the detailed and agreed.

With respect to consultation with the emergency services, the LHA notes that neither the Leicestershire Fire & Rescue Service nor the East Midlands Ambulance Service have any comments. Whilst the LHA understands that the Police service has not responded to the Applicant's enquiry, the LHA is content that further consultation can be undertaken with the Police as part of responding to the condition referred to above. For the avoidance of doubt, the LHA accepts the emergency access in this instance solely because it forms a flooding mitigation measure. Otherwise, the LHA would not support such a proposal.

Pedestrian and Cycle Access

Pedestrian and cycle access is proposed via both the main site access and the emergency access.

Highway Safety

The Applicant has reviewed Personal Injury Collision (PIC) data for the period between January 2015 and September 2020. The area of analysis extends to Rothley crossroads and Sileby.

Further to a review of the PIC analysis set out in the TA, the LHA considers that it is unlikely that the proposed development would exacerbate any existing road safety issues.

Trip Generation, Distribution and Assignment

Based on trip generation rates extracted from the TRICS database, the proposed development is predicted to generate 81 and 84 two way vehicle trips in the morning and evening peak hours respectively. The LHA has reviewed the TRICS outputs and trip calculations, and these are acceptable.

The predicted trips have been assigned to the local highway network based on a distribution extracted from 2011 Census Travel to Work data. The LHA has spot checked the proposed distribution and assignment and is content that the trips have been assigned satisfactorily. 37% of development traffic would route to and from the north, with 63% routing to and from the south.

Further to the above, in addition to the proposed site access junction, the TA has presented the results of detailed capacity analysis at only one off site junction, the Syston Road/Main Street T-junction. The LHA is content with this approach, as the Syston Road/ Main Street junction is the only off site junction which experiences a change in peak hour vehicle trips of more than 30.

The LHA has also checked the capacity assessments which have been undertaken of both the main site access and the off-site junction of Syston Road with Main Street. Both junctions are predicted to operate within capacity, and accordingly, the LHA does not consider that the development proposals would result in a severe traffic impact on the local highway network.

Internal Layout

As this application is outline with all matters reserved except for means of access, the internal layout will be subject to a reserved matters application, should the proposed development be permitted. If the Applicant would wish the internal roads to be adopted through the Section 38 process, then the development would need to be designed fully in accordance with LHDG.

Transport Sustainability

The development is located within a reasonable walk and cycle distance of Cossington and Sileby. The site is also well located to take advantage of local bus stops on Main Street which are served by the half-hourly Kinch Bus service number 2, between Loughborough and Leicester.

The LHA would require the two closest bus stops on Main Street to be improved by the addition of raised kerbs in connection with the planning application.

Travel Plan

A Travel Plan (TP) dated 16 December 2020 and prepared by ADC has been submitted with the application, which has been updated following initial comments from the LHA and is now acceptable.

Public Rights of Way (PROW)

Public Footpath I62 runs along the boundary of the proposed development, however it was initially uncertain from the submitted information whether the Applicant was planning on retaining the legal line of Footpath I62. In response, additional information was submitted which sets out the following:

‘The masterplan is illustrative and the final layout will be subject to a reserved matters application. Therefore, it cannot be pre-judged as to how the public footpath will be treated. However, the illustrative masterplan allows for it to remain on its current alignment, whilst also showing an alternative route that could be delivered, in time, depending on the future arrangements for the school extension.’

‘The applicant understands the protection that footpaths have, and that their alignment should change as little as possible. However, because of safe guarding concerns, the school may be reluctant to have a public footpath running through the middle of the school site. That is a matter for the future design of the school extension site, although the reserved land will, of course, also effect the housing layout. Therefore, as noted in the Design and Access Statement, subject to the necessary consultations and agreement with the rights of way officer at Leicestershire County Council, the alignment could be adjusted to skirt around the school if required to do so by the local education authority at a future point in time.’

The LHA notes the above and advises that the satisfactory treatment of the right of way should be secured via the recommended planning conditions. The LHA notes that this could be discharged alongside the subsequent reserved matters application. The route treatment would need to be in line with the LHA's guidance notes for developers.

In conclusion the proposal is considered to provide a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown, it is considered it would be possible to provide internal roads and parking for the scheme to an acceptable design and safety. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choices for its location. Accordingly the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm.

Flooding and Drainage

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

Local concern has been expressed regarding the potential impact on flooding in the locality.

In relation to this proposal, the main issue is whether development at this site would exacerbate any current flooding situation and cause additional concerns regarding the

control of run-off water.

The majority of the site is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. However, the northern part of the site is situated in flood zone 2 and the access to the site is located within Flood Zone 3. The site is mostly at a very low risk of surface water flooding with a small area in the north-western part of the site being at a moderate to high risk of surface water flooding.

The application is supported by a Flood Risk Assessment and drainage details which have been reviewed by the Environment Agency and Leicestershire Lead Local Flood Authority.

The submitted indicative Development Framework Plan shows the built for to be located within flood zone 1. Only the access point onto Main Street would be through Flood Zones 2 and 3. The land to the north of the site adjacent to the watercourse, which are the within Flood Zones 2 and 3 will be retained as open space and landscaping.

The fluvial flood risk to wider areas within Cossington village and further to the north west is from the River Soar. However, modelled flood data for the River Soar shows that flood extents from the river do not extend as far as the site.

A detailed hydraulic modelling study of the watercourse along the northern boundary of the site has been undertaken to clarify the flood risk in the north adjacent to Main Street. The detailed hydraulic modelling results for the show that the 1 in 100 year (+30%) maximum fluvial flood depth on Main Street is 260mm, which only occurs in small isolated areas, with flood depths more typically not exceeding 100mm. To overcome any issues with the access in times of a flood event, the application makes provision for an emergency access in the south to Humble Lane. This access would be within flood zone 1.

The new site access road from Main Street will be elevated above the 1 in 100 year plus climate change flood level, thereby minimising the flood risk to users entering and leaving the site. Only at the junction with Main Street are roads levels in isolated areas below the 1 in 100 year plus climate change flood level. To compensate for the removal of floodplain storage as a result of the implementation of the access road minor profiling of ground levels are proposed within landscape areas to the north of the site. Hydraulic modelling has been undertaken to show that no detrimental effect to off-site flood levels would occur as a result of the compensatory storage works. The compensatory floodplain storage excavations would provide an additional betterment to original floodplain storage capacity, which will in reduce the overall flood risk to the site's access road.

Northern areas of the site are shown to be susceptible to surface water flooding, however this is considered to principally be as a result of rainfall on the site and not via overland flow from off-site areas. The surface water proposals seek to discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 30.2 l/s to an existing watercourse.

Neither the Environment Agency or Lead Local Flood Authority has raised specific objections to the proposal. This is based on the conclusions of the Flood Risk Assessment and proposed mitigation measures, which includes the provision of the emergency access onto Humble Lane.

The Leicestershire Lead Local Flood Authority and the Environment Agency have assessed the submitted information and consider that the scheme in principle is acceptable at this outline stage, subject to the imposition of appropriate planning conditions to further define the components of the Sustainable Drainage Scheme at the Reserved Matters stage. It is concluded therefore that, in principle, the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions requiring further details.

The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The application is supported by an Ecological Appraisal.

The Borough Council's Senior Ecologist has confirmed that the proposal's effects on biodiversity could be satisfactorily addressed by detailed measures secured by approval of planning conditions and approved as part of the detailed reserved matters application. In the light of the submitted Ecological Appraisal which shows a potential net gain for biodiversity on the site, there is no objection to the application. It is recommended that a mechanism be included within the Section 106 agreement that requires the reserved matters scheme to be BIA tested using an appropriate metric which can secure an off-site mitigation contribution in the event that the scheme does not protect against a net loss of biodiversity.

Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure there is not a biodiversity net loss. Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity at the reserved matters stage and secured via the S106 agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

Contaminated Land and Public Safety

The application has been supported by the submission of a ground investigation report. The Council's Environmental Protection Team have been consulted in connection with the proposal and has suggested planning conditions to require further survey work and mitigation/remediation measures as necessary.

Having regard for all of the above, it is not considered that there would be any risk to existing or future residents that cannot be adequately mitigated and therefore the

application is considered to accord with Paragraph 174 of the NPPF.

Section 106 Contributions

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. 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:

Education	<ul style="list-style-type: none"> • £928,571.42 towards the extension of Cossington Primary School and provision of 1.2 hectare of land. • £18,726.90 to fund the expansion of Humphrey Perkins School to partially meet needs of the development. • £36,300.78 to fund the additional Special school places generated by the large scale of this development
Libraries	<ul style="list-style-type: none"> • £3,920.00 towards the improvement of facilities at Sileby Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.10ha) • An on-site natural and semi open space (minimum 0.62ha) • An on-site amenity green space (minimum 0.14ha) • An on-site LEAP facility • On-site provision for young people • 0.81ha on-site provision or a £42,817.00 contribution towards off-site outdoor sports facilities • 0.10ha on-site provision or a £14,680.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington • An indoor sports contribution to consist of £59,044.00 towards swimming pool facilities, £57,051.00 towards indoor court facilities and £8,424.00 towards indoor bowls rink facilities
Affordable Housing	<ul style="list-style-type: none"> • 40% of the dwellings to be affordable housing with 77% for affordable rent and/or social rent and 23% shared ownership.
NHS	<ul style="list-style-type: none"> • £95,739.07 to increase and improve facilities at the Banks and Highgate Medical Centre surgeries in Sileby.

Highways	<ul style="list-style-type: none"> • Raised kerb provision at two local bus stops at a cost of £4,000 • A Travel Plan monitoring fee of £6,000 • Travel pack for the first occupation of each new dwelling • Appointment of a Travel Plan co-ordinator • Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Civic Amenity	<ul style="list-style-type: none"> • £6717.00 towards the increase and improvement of the facilities at Mountsorrel Waste and Recycling facility.
Biodiversity mitigation	<ul style="list-style-type: none"> • The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss. • Mitigation on site • Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)
Cossington Parochial Church	<ul style="list-style-type: none"> • Seeks a contribution of £437,500.00 towards the provision and enhancement of community facilities in Cossington.

These contributions (with the exception of indoor sport and the appointment of a travel plan coordinator) are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24. There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. There are concerns regarding the provision of a travel plan coordinator in that the scale of the development does not justify such provision. As a result, it has not been fully demonstrated that these contributions are necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122.

With regards to the request from the Cossington Project Group on behalf of Cossington Parochial Church Council, whilst a statement of need has been provided, further information with regards to the costings have been sought and are expected shortly in order to fully assess its CIL compliancy. Members will be updated on this matter via the extras report.

Planning Balance and Conclusion

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

As there is currently an insufficient supply of deliverable housing sites (3.34 years), this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide up to 130 new units of which 40% would be affordable homes, at a time when there is an acute need in the Borough. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and services and a regular bus service to higher order centres. It is also a material consideration of limited weight that the council has identified the site as a suitable location for housing growth of significant scale within the Draft Local Plan 2021-2037. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, or flooding that cannot be mitigated, no net loss of biodiversity and landscape compensation can be secured by way of detailed landscape design. There would be no harm to heritage assets. Impacts on infrastructure and public services can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this is the conflict with Development Plan policies which set out the spatial strategy for the Borough. There would be some limited harm to the landscape as set out above.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing. Accordingly, it is recommended planning permission should be granted conditionally subject to a S.106 agreement as set out below:

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Education	<ul style="list-style-type: none"> • £928,571.42 towards the extension of Cossington Primary School and provision of 1.2 hectare of land to meet the needs of the development. • £18,726.90 to fund the expansion of Humphrey Perkins School to partially meet needs of the development. • £36,300.78 to fund the additional Special school places generated by the large scale of this
-----------	--

	development.
Libraries	<ul style="list-style-type: none"> £3,920.00 towards the improvement of facilities at Sileby Library.
Open Space	<ul style="list-style-type: none"> An on-site multi-function green space (minimum 0.10ha) An on-site natural and semi open space (minimum 0.62ha) An on-site amenity green space (minimum 0.14ha) An on-site LEAP facility On-site provision for young people 0.81ha on-site provision or a £42,817.00 contribution towards off-site outdoor sports facilities 0.10ha on-site provision or a £14,680.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington
Affordable Housing	<ul style="list-style-type: none"> 40% of the dwellings to be affordable housing with 77% for affordable rent and/or social rent and 23% shared ownership.
NHS	<ul style="list-style-type: none"> £95,739.07 to increase and improve facilities at The Banks and Highgate Medical Centre surgeries in Sileby.
Highways	<ul style="list-style-type: none"> Raised kerb provision at the two nearest bus stops at a cost of £4,000 each A Travel Plan monitoring fee of £6,000 Travel pack for the first occupation of each new dwelling Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Civic Amenity	<ul style="list-style-type: none"> £6717.00 towards the increase and improvement of the facilities at Mountsorrel Waste and Recycling facility.
Biodiversity mitigation	<ul style="list-style-type: none"> The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss. Mitigation on site Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)

RECOMMENDATION B:

That subject to the completion of the agreement in recommendation A above, planning permission be granted subject to the following conditions and notes:

1.	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>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.</p> <p>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.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">• 9300-L-03-F Indicative Layout (12 July 2021)• 9300-L-02-H Framework Plan (14 Dec 2020)• ADC2089-RP-C-v4 - Flood Risk Assessment• ADC2089-RP-G – Drainage Technical Note• ADC2089-DR-002-P3 Proposed Main Street Access Junction Layout• ADC2089-DR-004-P3 Proposed Humble Lane Emergency Access Junction Layout• ADC2089-DR-051-P1 Swept Path Analysis of the Proposed Main Street Access Junction – refuse lorry• ADC2089-DR-052-P2 Swept Path Analysis of the Proposed Main Street Access Junction – coach• ADC2089-DR-053-P2 Swept Path Analysis of the Proposed Humble Lane Emergency Access – large car• ADC2089-DR-054-P2 Swept Path Analysis of the Proposed Humble Lane Emergency Access – tractor and trailer• ADC2089-DR-055-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – refuse lorry• ADC2089-DR-056-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – coach• ADC2089-DR-057-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – hay wagon

	<ul style="list-style-type: none"> • ADC2089-DR-051-P3 Proposed Surface and Foul Water Drainage Strategy • 9300-L-01 C Site Location Plan • BWB Phase 1 Geo-Environmental Assessment • JBA Consulting Hydraulic Modelling Report Nov 2020 • fpcr Bat Report Oct 2020 • fpcr Ecological Appraisal 2020 • Design and Access Statement Dec 2020 <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area and includes an appropriate level of smaller 2/3 bedroom units and single storey units.</p> <p>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.</p>
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard surfaced areas; ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site; iii) finished levels or contours within any landscaped areas; iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. v) functional services above and below ground within landscaped areas; and vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed. <p>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.</p>
6.	<p>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.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>

7.	<p>The details of layout, appearance and scale submitted pursuant to condition 2 above shall meet with, but not be limited to, the following principles set out within the Design and Access Statement and shown on the Illustrative Masterplan:</p> <ul style="list-style-type: none"> i. The provision of a descending hierarchy of streets throughout the site ii. Built form which sensitively integrates the school extension and drop-off facilities into the layout by using buildings to 'wrap' around the school land iii. Providing good connectivity to the school land from the streets and pedestrian routes iv. The provision of keynote buildings and feature green spaces with trees within the development parcels to include incidental planting along with trees and verges which are distinctive to Cossington v. The provision of green infrastructure along the eastern and western boundaries and structural landscaping adjacent to the built form along the northern edge of the site vi. The provision of links through to the village to facilitate the link existing and proposed new development. <p>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.</p>
8.	<p>The details submitted pursuant to condition 2 above shall include a façade noise map to determine noise levels at each dwelling and provide a detailed glazing and ventilation schedule to control noise within dwellings, and a schedule of external boundary treatments to limit external noise levels within private gardens.</p> <p>REASON: to ensure that appropriate external and internal noise criteria is achieved having regard for the amenity of those that will live in the development in accordance with Policy CS2 of the Core Strategy.</p>
9.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> i. An on-site multi-function green space (minimum 0.10ha) ii. An on-site natural and semi open space (minimum 0.62ha) iii. An on-site amenity green space (minimum 0.14ha) iv. An on-site LEAP facility v. On-site provision for young people <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15</p>
10.	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted</p>

	<p>to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>
10.	<p>The ADC Travel Plan dated 21 June 2021 (Version 4) shall be implemented fully in accordance with its content unless an alternative Travel Plan is submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
11.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC2089-DR-002 Revision P3 have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
12.	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 42.8 and 2.4m by 44.3 metres have been provided to the southwest and northwest respectively at the site access junction. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: 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 (2021).</p>
13.	<p>No development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way I62 adjacent to the site has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.</p> <p>REASON: To protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.</p>

14	<p>Notwithstanding the details submitted, within two months of commencement of any development on site, including site works, details of the management, enforcement, and maintenance of the proposed emergency access to the site from Humble Lane have been submitted to and agreed in writing with the Local Planning Authority. The approved emergency access shall be provided prior to the first occupation of any dwelling on the site in accordance with the approved details and shall thereafter maintained at all times.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
15	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres x 120 metres have been provided at the emergency access junction. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: 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 (2021).</p>
16	<p>Within four weeks of the emergency access onto Humble Lane being brought into use, any existing accesses on Humble Lane shall be closed permanently and the land within the highway reinstated, in accordance with details which shall have first been submitted to and agreed in writing by the local planning authority.</p> <p>REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2021).</p>
17.	<p>The development shall be carried out in accordance with the submitted flood risk assessment report reference: DC2089-RP-C-v4 produced by ADC Infrastructure on the 16th December 2020 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> Finished floor levels shall be set a minimum of 300mm above surrounding ground levels. <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>REASON: To reduce the risk of flooding to the proposed development and future occupants.</p>

18.	<p>The development hereby permitted must not be commenced until such time as a scheme to provide adequate floodplain compensation has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>REASON: To ensure that there are no detrimental impacts to flood storage or flood flow routes.</p>
19.	<p>Prior to the commencement of development a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <p>(i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site;</p> <p>(ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;</p> <p>(iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;</p> <p>(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.</p>
20.	<p>Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p>

	<p>REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with of the National Planning Policy Framework.</p>
21.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework.</p>
23.	<p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS15 and CS16.</p>
24.	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access and internal roads shall be retained and maintained at all times. Any part of the hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants and trees of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.</p> <p>REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development</p>
	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while</p>

	building works take place on the site.
25.	<p>No development shall take place until a programme of archaeological work 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:</p> <ul style="list-style-type: none"> • The programme and methodology of site investigation and method • The programme for post investigation assessment • Provision to be made for analysis of the site investigation and recording • Provision to be made for the publication and dissemination of the analysis and records of the site investigation • Provision to be made for archive deposition of the analysis and records of the site investigation • Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.</p> <p>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.</p>
26.	<p>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.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
27.	<p>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.</p> <p>REASON: To prevent flooding by ensuring the satisfactory management of surface water at the site.</p>
28.	<p>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.</p> <p>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.</p>

29.	<p>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.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy</p>
31.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy for the site is submitted in writing for approval.</p> <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.</p>
32.	<p>Notwithstanding the submitted details, no development shall commence on site until a Phase II ground investigation has been undertaken to identify the extent, scale and type of any contamination at the site. If contamination is identified a detailed remediation scheme to bring the site to a condition suitable for the intended use along with a timetable for implementation shall submitted in writing to the local planning authority for approval. Upon completion of the approved remedial measures a site verification report shall be provided to the satisfaction of this department including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use.</p> <p>REASON: To ensure that the occupiers of the development are not put at unacceptable risk from land contamination.</p>
33.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until an amendment to the remediation strategy detailing how this unexpected contamination shall be dealt with has been submitted in writing and approved by the local planning authority.</p> <p>REASON: To ensure that the occupiers of the development are not put at unacceptable risk from land contamination.</p>
34.	<p>The details submitted pursuant to condition 2 above shall include an appropriate air quality assessment to determine Air Quality impacts associated with the traffic generated by the development. The assessment shall include receptors adjacent to all roads where a significant change in traffic is predicated, and, where necessary set out a mitigation strategy, including a timetable for implementation, for any necessary remedial measures.</p> <p>REASON: To ensure that the occupiers of the development are not put at unacceptable risk from air contamination.</p>

Informative Note(s):

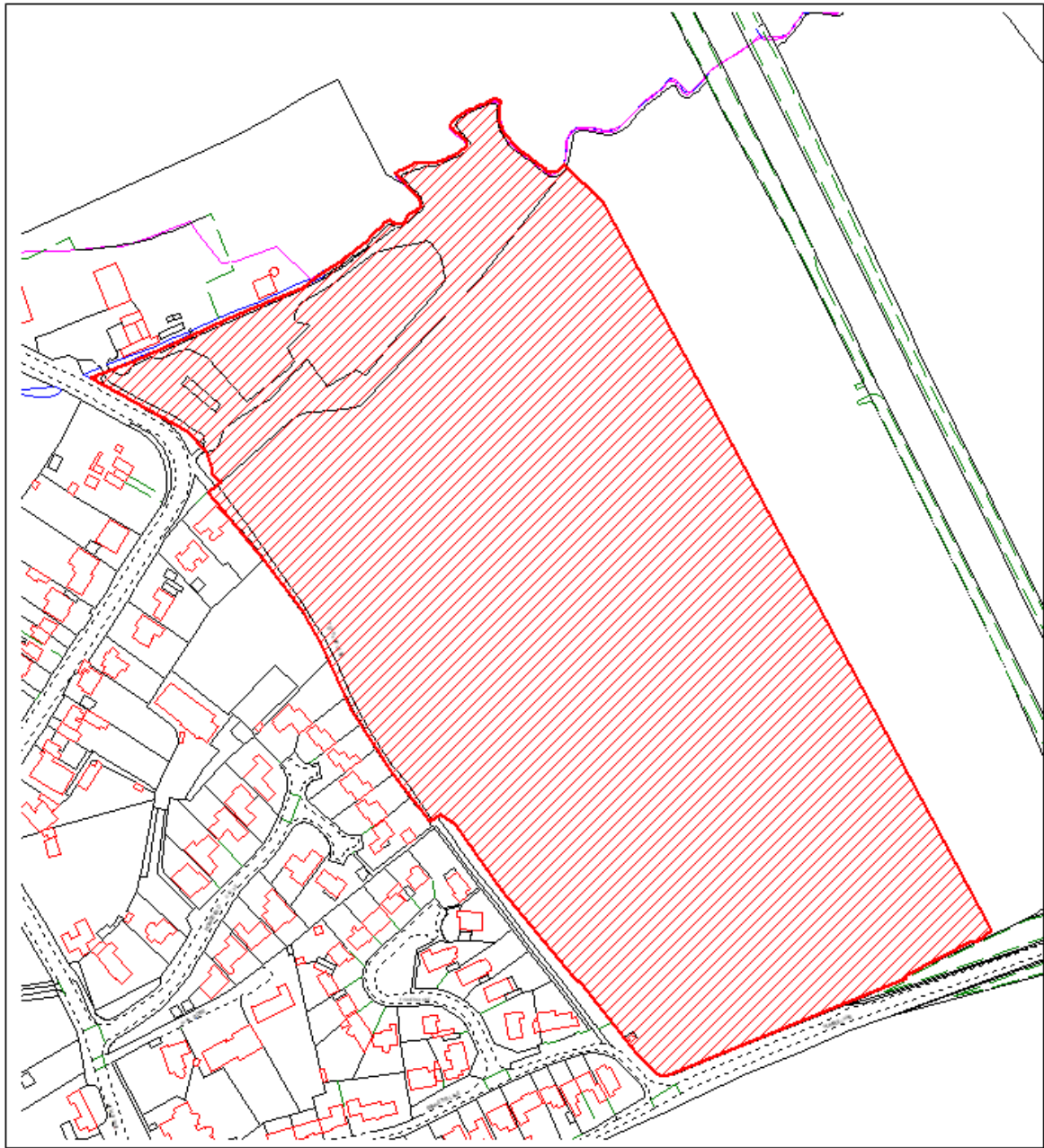
1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, because the benefits of the proposal are not 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. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
4. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of infrastructure contributions necessary to make the development acceptable in planning terms.
5. 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>
6. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to

the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

8. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
9. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
10. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
11. All work shall follow recognised good practice such as those detailed in BS 5228 "Noise control on construction and open sites", the BRE report "Control of Dust from Construction and Demolition Activities".
12. There shall be no burning of waste on the site.
13. There shall be no audible demolition/construction noise beyond the site boundary before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Bank Holidays.
14. The surface water drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event

plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

15. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
16. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
17. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
18. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
19. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>
20. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
21. Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure.
22. Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the development. The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.



Item No. 3

Application Reference Number P/20/0738/2

Application Type:	Outline	Date Valid:	30.03.21
Applicant:	Gladman Developments Ltd		
Proposal:	An outline planning application for the erection of up to 228 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.		
Location:	Land off Barnards Drive Sileby Leicestershire		
Parish:	Sileby	Ward:	Sileby
Case Officer:	Lewis Marshall	Tel No:	07714 846497

Background

This application has been brought to plans committee as it relates to a major housing development, outside current limits to development and is considered a departure from the development plan and is recommended for approval.

Description of the Application Site

The application site is located immediately adjacent to existing residential development located off Stanage Road and Heathcote Drive on the north-eastern edge of Sileby. The site extends to approximately 11.55ha, and comprises of two field parcels that are currently in agricultural use and separated by an existing hedgerow.

To the north-east the extent of the site is defined by an existing hedgerow with agricultural fields located beyond, whilst to the south-east the site is bounded by the farm track, Paynes Barn. To the north-west the site is bordered by the course of Sileby Brook and an area of tree and woodland planting, whilst the soon to be completed Seagrave Park development, and recently consented Seagrave Road proposal, face the site on the opposite valley side.

Description of the Proposal

The proposal involves the development of up to 228 residential dwellings with all matters reserved except for access.

The proposals provide areas of structural landscape planting to the boundaries of the site and areas of informal and formal public open space, including a Locally Equipped Area for Play (LEAP). Areas of on-site green infrastructure and open space total 4.94 ha, and incorporate attenuation basins to ensure the existing greenfield run-off rate for surface water is maintained post development.

Vehicular access to the site will be via an extension of Barnards Drive.

Development Plan Policies

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2011-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009). The Sileby Neighbourhood Plan also forms part of the development Plan and is relevant to this application.

Development Plan policies relevant to the determination of this planning application are set out below.

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

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, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

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 CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to 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 CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

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

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design - This 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 TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

Sileby Neighbourhood Plan

It was declared on Friday 16 January 2020 that the Sileby Neighbourhood Plan was successfully approved by majority at referendum and therefore now forms part of the development plan for Charnwood. The Policies considered to be of relevance to the proposal are:

Policy G1: Limits to Development - states that outside of the defined limits, development will be strictly controlled, save for development associated with agriculture, the provision of formal recreation or sport and finally, the provision of affordable housing through a rural exception site.

Policy G2: Design - sets out criteria for new development to ensure it enhances and

reinforces local distinctiveness, character of the area and be sympathetic to any neighbouring properties and the surrounding area. Development which would have significant adverse effect on the street scene or the character of the countryside will only be permitted where any harm is clearly outweighed by the wider benefits of the proposal. Contemporary or innovative design will be encouraged and supported where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context. Development proposals should aim to maintain and enhance biodiversity through measures such as integral bird boxes and bat roosting or breeding sites and providing permeable hedges or fences.

Policy H2: Windfall Development - Residential development on infill and redevelopment sites within the settlement boundary will be supported where the development

a) Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of Sileby or where the site is closely surrounded by existing buildings;

b) Respects the shape and form of Sileby in order to maintain its distinctive character and enhance it where possible;

c) Retains existing important natural boundaries such as trees, hedges and streams;

d) Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the existing and future occupiers of the dwelling (s); and

e) Does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with Charnwood Borough Council Planning Guidance.

Policy H3: Housing Mix - proposals should seek to create sustainable, inclusive and mixed communities by providing a mix of house types and sizes that reflect local need. Developers are encouraged to construct to building regulations 2015 M4(2) and M4(3).

Policy H4: Affordable Housing – requires that at least 30% of homes on sites of 10 or more units should be affordable. The affordable housing should be made available as an integral part of the development, equivalent to the open market housing and be dispersed throughout the site as individual units, subject to a registered provider being prepared to deliver the units if applicable.

Policy ENV6: Biodiversity, Hedges and Habitat Connectivity – expects development proposals to safeguard locally significant habitats and species and to create new habitats for wildlife.

Other material considerations

The Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies and was approved by Council on 21 June 2021 for consultation and then submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six week

pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021.

This document sets out the Council's draft strategic and detailed policies for the period 2019-37. This document carries very limited weight at the current time.

The Pre-submission 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. Six sites have been identified within Sileby totalling to 345 dwellings, and one site at the neighbouring settlement of Cossington with an allocation of 124 dwellings (planning application pending determination ref: P/20/2393/2), is also identified as location for an extension to Cossington Primary School to meet the educational needs of new developments in Sileby and Cossington.

The allocation of sites in the Local Plan represents the culmination of testing through evidence and sustainability appraisal. The provision of education where it is within acceptable walking distance of new development has been a very significant factor in the development of the strategy outlined in the emerging Local Plan. The application site has been identified as a proposed allocation in the emerging Local Plan. As noted above, the emerging Local Plan carries very limited weight at the current time.

Under the provisions of the Draft Local Plan the Application Site is allocated and is not subject to any other designations.

The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The NPPF policy of particular relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes - The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 74). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the 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 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities - 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 - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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 106). 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 111).

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).

Section 14: Meeting the challenge of climate change, flooding and coastal change - New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Section 16: Conserving and enhancing the historic environment - Paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travel plans, supporting the policy framework as set out in the NPPF.

National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

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.

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.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

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.

Landscape Character Appraisal

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the

borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough’.

Technical Housing Space Standards (2015)

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, it is however a material consideration.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

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. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

The Crime and Disorder Act 1998

The Crime and Disorder Act 1998 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.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

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.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

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.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of planning permission.
Housing Strategy & Support CBC	Seeks 30% (68 homes) affordable housing on the site at an appropriate mix and with 66% for affordable rent and/or social rent and 34% shared ownership.
The Environment Agency	There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.
Leicestershire County Council – Highways	<p>Does not object to the proposal in principle subject to a number of conditions to provide the following:</p> <ul style="list-style-type: none"> • A construction traffic management plan • Provision of the access arrangements • Provision of the off-site highway works • Provision of drainage to prevent run-off into the highway <p>The following contributions are also sought:</p> <ul style="list-style-type: none"> • £8,000 towards raised kerb provision at the two nearest bus stops • £6000 towards Travel Plan Monitoring • Travel pack for the first occupation of each new dwelling

	<ul style="list-style-type: none"> • Six month bus passes (two per dwelling) for the first occupation of each new dwelling • Appointment of a Travel Plan Co-ordinator • Construction Traffic Routing Agreement
Leicestershire County Council - Education	<ul style="list-style-type: none"> • Seeks £169,233.00 towards early years provision in Sileby. • Seeks £1,628,571.43 for primary school provision in Sileby/Cossington. • Seeks £33,292.26 towards secondary school provision in Barrow Upon Soar. • Seeks £91,736.91 towards Special School Provision in Loughborough.
Leicestershire County Council - Libraries	Seeks a £6,890 contribution towards the enhancement of Sileby Library.
Leicestershire County Council Waste Services	Seeks a £11,781.00 contribution towards the enhancement of Mountsorrel Waste and Recycling Centre.
Sileby Parish Council	<p>Submits a 40-page document strongly opposing the application on the following grounds:</p> <ul style="list-style-type: none"> • The proposal fails to overcome previous reasons for refusal. • Sileby has received a disproportionate amount of growth contrary to policy CS1 of the Core Strategy and the Sileby Neighbourhood Plan. • The proposals do not represent sustainable development. • Harmful landscape and visual impact • Harmful cumulative impact on the local highway network. • Loss of grade 2 agricultural land • Insufficient capacity in the foul and surface water network and associated flood risk. • Adequate mitigation through S106 obligations should be required in respect of local services. • The application should be refused otherwise it would result in undermining public confidence in the plan-led system. • The adverse impacts significantly and demonstrably outweigh the benefits. <p>The objection can be read in full via the Councils website.</p>
Campaign for the Protection of Rural England	Considers that the present absence of land for housing may well prove to be a short term issue and fails to justify overturning the provisions of the Current and Draft Local Plan, particularly having regard to the reasons given for refusing the application previously. Objects to the proposal on the grounds that it is unsustainable development in the countryside, loss of agricultural land, harm to landscape and insufficient highway capacity.

Charnwood Spaces	Open	<p>Seeks the following contributions:</p> <ul style="list-style-type: none"> • An on-site multi-function green space • An on-site natural and semi open space • An on-site amenity green space • An on-site LEAP facility • On-site provision for young people or alternatively a £217,510 contribution towards new or enhanced young people's provision within Sileby. • 1.42ha on-site provision or a £75,068.00 contribution towards off-site outdoor sports facilities • 0.04ha on-site provision or a £25,746.00 contribution towards off-site provision or enhancement of allotment facilities in Sileby • An indoor sports contribution to consist of £103,516.00 towards swimming pool facilities, £100,022.00 towards indoor court facilities and £14,768.00 towards indoor bowls rink facilities
NHS		Seeks a contribution of £167,911.60 towards the provision and enhancement of facilities at Highgate Medical Centre and The Banks Surgeries.
Seagrave Council	Parish	Objects to the application as the development will increase traffic flows through Seagrave. Requests Section 106 money (unspecified amount) towards traffic calming measures in Seagrave.
CBC Health	Environmental	Raises no objection. Recommends a number of conditions that require further ground contamination investigation, and where necessary remediation and validation.
Natural England		No comments
Loughborough District Cycle Campaign	and Cycle Users	Concerns that there is lack of cycle storage within the housing, potential for improved pedestrian access and the developer should contribute towards a speed reduction scheme on surrounding roads and junctions.

Other Comments Received

43 letters of objection have been received from local residents. Objections raised are summarised as follows:

- The development is in an unsustainable location
- The adverse landscape impact
- Highway/pedestrian safety
- Traffic congestion
- Pressure on existing infrastructure and services
- Scale and design
- Loss of a greenfield site/agricultural land

- Impact on ecology
- Loss of trees
- There is no need for extra housing in the village
- Impact on the countryside
- Flooding/drainage
- Loss of privacy
- Lack of services and facilities in the village to accommodate the new residents
- Lack of employment opportunities for the new residents
- There is no proven need for affordable housing
- The development should be refused in line with previous decisions and appeal decisions
- Increased risk of anti-social behaviour

Relevant Planning History

The following planning history is relevant to the application;

Reference	Proposal	Decision
P/18/0659/2	Development of 228 homes with associated access and infrastructure	Refused under delegated powers and appeal dismissed.

The above proposal was of the same scale and nature as the current application and it should be noted that it was refused for a single reason relating to conflict with the development strategy (Policy CS1) at a time whereby the Core Strategy was considered up to date and the Council could demonstrate in excess of a 5-year housing land supply.

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 relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Minerals and Waste local plans, the Charnwood Local Plan 2011-2028 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 made Sileby Neighbourhood Plan.

Policies CS1 and CS11 of the Core Strategy and policies ST/2 and CT/1 of the Borough of Charnwood Local Plan and Policy G1 of the Sileby Neighbourhood Plan are considered the most important for making a decision on this planning application because they relate to the supply of housing and also the consideration of effects upon areas of countryside more generally.

Due to the lack of 5 year supply, the government objective to significantly boost the supply of housing, and the relationship policies CS1, ST/2 and G1 have to supply of housing, these policies are considered to be out of date. CS11 and CT/1 are

considered up to date as they are broadly consistent with national planning policy and do not have such a direct relationship with the supply of housing.

An overall assessment about the most important policies for determining this planning application is that they are out of date, and so for decision making on this planning application this means planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is the “tilted balance” that is identified in National Planning Policy Framework paragraph 11.

In determining the planning application, it is considered that the policies listed below are relevant. The weight to be given to each policy as part of the tilted balance is set out in the consideration of the planning application section towards the end of this report.

In situations where paragraph 11d of the presumption applies, consideration should be given to 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 Neighbourhood Plan for Sileby was made on the 16 January 2020, and as such its policies carry full weight, unless they relate to housing supply. As there are no unreserved housing allocations within the neighbourhood plan which relies on windfall development to meet an identified housing need, any conflict with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh the identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

The main issues are considered to be:

- The Principle of Development
- Housing Mix
- Landscape and Visual Impact
- Design and Layout
- Open Space
- Archaeology
- Impact on residential amenity
- Highway Matters
- Flooding and drainage
- Ecology and Biodiversity
- S106 Contributions

The Principle of the Development

Policy CS1 represents the strategic vision of the borough and is an expression of a sustainable growth pattern. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to the smaller villages. In doing so it provides for at least 3,000 new homes within or adjoining Service centres such as Sileby. The

Local Planning Authority can currently demonstrate 3.34 years housing land supply and the Core Strategy is more than five years old. Accordingly, policy CS1 carries only moderate weight.

In the period between the base date of 2011 and the latest full monitoring period of 31st March 2021, 4,460 homes have been completed or committed within Service Centre Settlements; 45% more homes than provided for in the Core Strategy for Service Centres. This represents a disproportionate level of growth within this tier of the hierarchy and additional development would further undermine the spatial strategy and strategic vision of the borough as set out in Policy CS1. Moreover, of the 4460 homes already committed, 1,060 of these are at Sileby alone (23% of allocation).

In the determination of the previous appeal, such a level of commitment in respect of just one of these settlements was considered to be disproportionate. To provide a further 228 homes adjoining Sileby would add to the already high level of housing commitments in Service Centres, when compared with levels the Core Strategy plans for, and to the disproportionate level of housing provision within Sileby. This conflict with CS1 continues to weigh against the application, however it must be noted that due to the current shortfall in the 5 year supply the benefit arising from the delivery of housing, including affordable housing, attracts significant weight in the planning balance.

The supporting text to Policy CS1 states that only a small amount of housing and employment development is necessary in the Service Centres to maintain their facilities and services. There are a sufficient number of planned developments in Service Centres and between 2014 and 2028, it is therefore expected only to see small scale windfall developments within the settlement boundaries. Notwithstanding this, it is acknowledged that some development on greenfield land may be appropriate if there is a recognised housing need and insufficient capacity within built up areas to meet that need. However, housing need has increased and as such Policy CS1 is considered to be out of date and the Local Planning Authority cannot currently demonstrate 5 years supply of housing land and as such it must be recognised that there is a local and Borough wide need for housing that cannot be met under the provisions of Policy CS1.

The application site is outside the limits to development of Sileby and within countryside. Saved policy ST/2 of the Borough of Charnwood Local Plan (2004) and Policy G1 of Sileby Neighbourhood Plan seek to restrict development outside of the defined boundary limits to development and within the countryside. Given that Policy ST/2 and Sileby Neighbourhood Plan Policy G1 restricts housing growth the policies are considered to attract moderate weight.

Policy CS11 is important in considering the proposal as it seeks to protect the character of the Borough's landscape and countryside by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of local Landscape Character Assessment.

This policy is broadly consistent with national planning policy framework, does not have such a direct relationship with supply of housing and so is considered to attract significant weight.

Saved Policy CT/1 of the Borough of Charnwood Local Plan also seeks to protect areas of countryside from development whereby it would harm the character and appearance of the countryside. Only where development accords with CT/1 is policy CT/2 engaged. As the development proposed is in conflict with CT/1 it is therefore unacceptable in principle and Policy CT/2 is not engaged.

When considering the application as a whole, the application is considered to be in conflict with Local Plan Core Strategy (2011-2028), policies CS1 and CS11, 'saved' policies ST/2, CT/1 of Local Plan 2004 and policy G1 of Sileby Neighbourhood Plan by virtue of the proposed housing development being located outside of the defined settlement limits. The harm associated with this conflict is not considered on its own to be significant or demonstrable by virtue of the reduced weight these policies carry at the current time. This is considered further in the planning balance below.

It is also a material consideration in the determination of this application that the emerging Local Plan seeks to allocate the site for the development of 228 houses on the stipulation that it contributes towards the cost of increasing primary school capacity in Cossington. However, the local Plan remains to carry only very limited weight at the current time.

Housing Mix

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 30% of the 228, units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided.

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 form and includes an undertaking to provide 68 affordable homes (30%). 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, and it is suggested that this could be controlled and secured by a condition for both Market and Affordable housing. The tenure for affordable housing can be secured through the s.106 agreement.

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:

Affordable	
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 and profile to reflect this could be accommodated on site. Locally identified need and the character of the area could be achieved although care would need to be taken, (as per CS3), to ensure the character of this edge of village location was not harmed by this.

With regards to housing mix, it is considered that a proposal which complies with policy CS3 could be achieved. The provision of 26 affordable units is also a significant benefit of the scheme which should be given weight within the planning balance.

Landscape and Visual Impact

Policies CS2 and EV/1 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS11 and CT/2 seek to protect landscape character and countryside. These policies generally accord with the National Planning Policy Framework and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies.

There are no specific landscape designations for the site. The application site is located within National Character Area 69: Trent Valley Washlands (NCA 69) and Local Character Assessment Soar Valley. The site is typical for the character area of the Soar floodplain. It is open rising in undulation toward the east away from the Sileby Brook where land on the other side of the brook rises towards Seagrave Road. land on the other side of the brook has been subject to a number of large housing developments which are nearing completion.

The site lies in open country outside of the settlement limits. The landform of the site as it rises to the east makes it prominent and moderately sensitive to change. The proposal would significantly alter the open rural characteristic of the valley side and replace it with built form. This would have significant effect on the immediate landscape character, the visual quality and settlement pattern of Sileby as well as the setting of the Charnwood Forest as viewed from the west.

The site is situated in a topographical valley with most of the settlement well occluded from outside vantage to the west beyond the valley ridge. The site rises some 10 meters from the existing settlement edge to the east forming the upper side and edge of the 'valley'. The site is well screened by the existing built forms to the southern boundary. From Seagrave Road to the west, there would be additional built form visible until the western ridge of the site, however this would be seen in context of the intervening scale and forms of suburban development and any development could be designed so that it did not significantly break the skyline and be mitigated further with boundary and dispersed areas of planting. Retention of the central field hedgerow is

a positive aspect of the scheme.

Whilst there would be some significant changes to the immediate appearance of the landscape through the development of housing on an area of somewhat open undeveloped agricultural land, these effects overall would be relatively localised and of limited overall landscape impact.

It is concluded that the overall long term impact on the landscape character of Soar Valley would not be so significant as to change the overall character of the area or fail to comply with the guidelines for the landscape character appraisal. The proposal is therefore concluded to comply with policy CS11 in principle.

Whilst these landscape impacts are acknowledged, it is considered that the visual impact of the development from the public areas identified could be mitigated following careful consideration of design at the reserved matters stage if outline consent were to be granted. It is therefore considered that that a scheme could be designed which accords with policies CS2 and EV/1 in this regard.

Design and Layout

Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality and uses materials appropriate to the locality. Policy G2 of the Neighbourhood plan seeks to reinforce local distinctiveness and supports contemporary or innovative design where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context. 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.

Section 12 of the National Planning Policy Framework states that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 134 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout has been submitted which shows how the site could be developed and design principles are also set out within the Design and Access Statement.

If the application were to be considered acceptable on balance, a planning condition securing specific design details could be attached to secure compliance with the design aspirations of the relevant policies. Accordingly, it is considered a proposal that complied with Policies CS2, G2 and EV/1 of the Development Plan and national and local guidance in terms of design could be achieved for the site.

Open Space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the National Planning Policy Framework and does 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 the policy.

The indicative plan and the Design and Access Statement suggest that within the site there will be areas of green space incorporating amenity open space and play space. There is, however, no provision for older children, sports or allotments. Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the village could be secured.

Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate contributions. Accordingly, the proposal is considered to comply with policy CS15 of the Development Plan.

Archaeology

The site is located outside of but adjacent to the archaeological alert zone which is concentrated around the historic village core and follows the boundary of the Conservation Area. The submitted archaeological desk based assessment identifies a low potential for buried remains. Given this context, it is not considered that the principle of development would be unacceptable on account of archaeological heritage impacts and any potential loss or harm to underground heritage assets could be mitigated with a Written Scheme of Investigation to cover further archaeological investigation, possibly in the form of a geophysical survey in order to better understand any underlying features. It is recommended that this is secured by way of a planning condition to be discharged prior to the commencement of development.

Impact on Residential Amenity

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

Objections have been received with concerns raised over the potential loss of privacy and amenity from the development.

The development would be visible from the existing occupiers of housing to the south of the site along Parsons Drive, Barnards Drive, Stanage Road and Roy Brown Drive. Other views are available from dwellings in Lanes Close, Heathcote Drive and the Bellway Development to the west. However, it is concluded that whilst these residents would see the proposed development there is no specific need to ensure that the development has to take account of these to protect residential amenity due to the separation distances between the proposed dwellings and those that exist elsewhere

beyond the site boundaries. The amenity of those to the south will be preserved by intervening areas of open space, planting and water attenuation. It will however be necessary at reserved matters stage to ensure that there would be no significant overbearing impact or overlooking from the new dwellings to existing dwellings adjacent to the site. It will also be necessary to ensure the position of any play area is sufficiently distant from existing and proposed dwellings to prevent undue noise disturbance. The potential for noise and disturbance to the existing dwellings as a result of the new roads within the development is also a consideration. However, it is considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of existing amenity occurs.

The amenities of the future occupiers of the development would be a consideration in the assessment of a future reserved matters application for the development if outline planning permission was granted. Whilst only indicative plans are submitted at this stage, it is considered that a suitably designed scheme could be provided which complied with the provisions of the Development Plan in this regard.

The proposal could, therefore, following careful design, comply with the provisions of policies CS2, G2 and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

Highway Matters

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan 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

Paragraph 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

A large number of the objection letters received make reference to highway safety and congestion as a concern.

The Local Highway Authority (LHA) has assessed the Transport Assessment and proposed Access plan submitted in support of the application, together with further additional information and evidence requested and submitted throughout the course of the application. Their views are set out below.

Site Access

The site would be accessed via an extension of Barnards Drive. Barnards Drive is accessed from Stanage Road, which is in turn accessed from Heathcote Drive. The existing visibility splays at the priority junctions of Stanage Road / Barnards Drive and Heathcote Drive / Stanage Road, through which all development traffic must travel, appear to be acceptable and are hence suitable for intensification of use in terms of

visibility. Stanage Road is currently the single point of access to Heathcote Drive for approximately 110 dwellings.

The addition of the proposed development would mean Stanage Road would act as the single point of access for a total of 339 dwellings. The minimum width of the access road is 5.6 metres. In accordance with the Leicestershire Highways Design Guide, this width is suitable to cater for up to 400 dwellings if there are constraints, such as those relating to land boundary in this case. Accordingly, a single point of access for 339 dwellings is acceptable in principle to the LHA in this instance. Although not required for highway safety or capacity reasons, additional emergency/pedestrian accesses could be provided in addition to the main access at Barnards Drive which subject to detailed design and negotiation with surrounding land owners at reserved matters stage, could be secured.

Junction Capacity, Trip Generation and Traffic Impact

The capacity of the site access junction has been undertaken using the AM and PM peak hour assessment flows. A maximum traffic count is identified for the use and suggests a maximum increase of 116 two-way vehicle movements during the morning and evening peak.

The LHA's initial responses to the application noted that the TA relied on traffic surveys from January 2018 and 2017. In fact, some of this data was from 2016.

The LHA stated that whilst it may consider the 2018 surveys acceptable given the recent difficulties in undertaking traffic surveys due to the Covid-19 pandemic, the 2017 surveys were out of date. Additionally, it did not appear that the assessment of committed developments has been updated since the 2018 TA.

Accordingly, the LHA's required the traffic flow scenarios to be based on fresh traffic survey data and fresh traffic flow scenarios to be developed to include all relevant committed developments in the area in order to inform a thorough and up to date assessment of the potential impact on the network.

The Applicant undertook fresh traffic surveys on Wednesday 08 September 2021 at the following locations:

- The Banks / Albion Road / Brook Street / Burton Road; and
- Brook Street / Cossington Road / High Street

The key finding from the analysis of the surveys was that the 2016 survey data at the above junctions was generally higher than the new 2021 data even with LCC's Covid-19 adjustment factors applied. On this basis, the LHA agreed that the traffic impact analysis of these two junctions in the Transport Assessment did not need to be revised as the flow cases were robust. Further to the above the LHA has reviewed the junction modelling set out in the TA for each junction as follows. It should be noted that the LHA has reviewed the junction models prepared using 'Junctions' software and is content that these have been prepared correctly for each location

- Stanage Road / Barnards Drive

The priority junction is predicted to operate well within practical capacity in 2026 following development, with a maximum Ratio of Flow to Capacity (RFC) of 0.20 on the Barnards Drive arm.

- Heathcote Drive / Stanage Road

The priority junction is predicted to operate well within practical capacity in 2026 following development, with a maximum Ratio of Flow to Capacity (RFC) of 0.27 on the Stanage Road arm.

- Heathcote Drive / Seagrave Road

The priority junction is predicted to operate within practical capacity in 2026 following development, with a maximum Ratio of Flow to Capacity (RFC) of 0.49 on the Heathcote Drive arm.

- Heathcote Road / Ratcliffe Road / The Banks / Swan Street

The priority junction is predicted to operate within practical capacity in 2026 following development, with a maximum Ratio of Flow to Capacity (RFC) of 0.73 on the Swan Street arm.

- The Banks / Albion Road / Brook Street / Burton Road

The mini-roundabout junction is predicted to operate within practical capacity in 2026 following development in the morning peak hour. However, in the evening peak hour, it is predicted to exceed practical capacity. However, the LHA notes that prior to the addition of development traffic, the arm is predicted to operate slightly above practical capacity. Notwithstanding this, development traffic is therefore predicted to queue lengths at the junction by 7 vehicles. The Applicant has considered an improvement scheme at the junction which whilst it would not improve capacity, could provide an improvement for pedestrians at the junction. On this basis, the LHA would be prepared to secure a potential scheme by condition, such that the details of the scheme can be agreed via a Discharge of Condition application prior to installation by the Applicant via the Section 278 process.

- Brook Street / Cossington Road / High Street

The priority junction is predicted to operate within practical capacity in 2026 following development in the evening peak hour. However, in the morning peak hour, it is predicted to exceed practical capacity with a corresponding average queue of 24 vehicles. Whilst, the LHA notes that prior to the addition of development traffic, the arm is predicted to operate slightly above practical capacity, the development is predicted to increase average queues by 15 vehicles. Accordingly, the LHA would consider mitigation to be warranted at this junction. The Applicant has considered an improvement scheme at the junction, which would see the junction replaced with a mini roundabout. On this basis, the LHA would be prepared to secure a potential scheme by condition, such that the details of the scheme can be agreed via a Discharge of Condition application prior to installation by the Applicant via the S278 process.

- King St/High St/Barrow Rd/Little Church Lane

The priority junction is predicted to operate within practical capacity in 2026 following development in the evening peak hour. However, in the evening peak hour, it is predicted to exceed practical capacity with a corresponding average queue of 9 vehicles. The LHA notes that prior to the addition of development traffic, the arm is predicted to operate with a queue of 6 vehicles. Development traffic is therefore predicted to increase average queues by 3 vehicles. Given the minor increase and

queue and delay at this location, the LHA does not consider the impact to be significant to warrant mitigation in this instance.

- Barrow Road / Mountsorrel Lane

The priority junction is predicted to operate above capacity in the evening peak hour, with maximum average queues of 37-48 vehicles on the Mountsorrel Lane Arm. In the base case without development in 2026, the junction is predicted to operate with an average queue of 29 vehicles. The capacity is therefore predicted to experience a worsening in operation due to development traffic of 8 – 19 vehicles in an average queue. However, bearing in mind the constrained nature of the junction, the LHA's response to the previous planning application, and recent appeal decisions, the LHA cannot consider this impact to be sufficiently severe to warrant advising refusal of the planning application in this instance.

- Highgate Road / Heathcote Road

The priority junction is predicted to operate well within practical capacity in 2026 following development.

- Ratcliffe Road / Finsbury Avenue

The priority junction is predicted to operate well within practical capacity in 2026 following development.

Overall, it is not considered that the proposed development would give rise to capacity issues on the surrounding highway network subject to adequate mitigation which can be secured by planning conditions. The local highway authority raises no objection to the submitted assessment and considers the site access and surrounding junctions can operate without significant queuing or delay.

Highway Safety

There have been 17 Personal Injury Collisions (PIC's) recorded along principle roads/junction within and around Sileby in the last full five year monitoring period. one of the incidents were recorded as 'slight' in severity whilst one was recorded as 'serious' with no fatalities. The Local Highway Authority do not consider the proposed development would exacerbate the existing situation.

Internal Layout

As the access to the site is the only matter to be determined in detail at this stage, the submitted indicative site layout and internal layout including parking provision, are not for consideration at this time. However, the local highway authority advises that that the proposals are required to be designed in accordance with the prevailing Leicestershire Highways Design Guide and local parking standards. It is considered that this can be secured through a future reserved matters application. A condition is recommended that details of drainage be approved to prevent surface water entering the highway, but this is not considered necessary as a wider scope drainage condition is proposed as recommended by the LLFA.

Sustainability

The site is within an approximate 400 metre walk to nearby bus stops, served by a half hourly bus service to Loughborough and Leicester. A primary school is also within an 800 metre walk. Sileby is also served by a train station to Leicester, Loughborough and the wider country. A Travel Plan has been submitted as part of this application which has been reviewed and is considered largely acceptable.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown, it is considered it would be possible to provide internal roads and parking for the scheme to an acceptable design and safety. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly, the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm.

Flooding and Drainage

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

The site itself is not subject to fluvial flooding being located largely within zone 1 of the flood zone as identified by the Environment Agency flood maps. A small area of the site close to the brook is subject to flooding, but is not reserved for development of the housing, and instead would be used as informal open space. The Environment Agency has not raised specific objections to the proposal. It is acknowledged that there have been historic events in the village which led to flooding in properties, mainly due to extreme rainfall events. In relation to this proposal, the main issue is whether development at this site would exacerbate any current flooding situation and cause additional concerns regarding the control of run-off water.

The submitted Flood Risk Assessment concludes that the site will not be at risk of flooding from either flows generated on site or from overland flows from off site. The Leicestershire Lead Local Flood Authority has assessed the submitted information and considers that the scheme in principle is acceptable at this outline stage, subject to the imposition of appropriate planning conditions to further define the components of the Sustainable drainage scheme at the Reserved Matters stage. It is concluded therefore that, in principle, the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions requiring further details. The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The application is supported by an Ecological Appraisal. The results of this appraisal indicate there are protected species present within the existing on site brook that is surrounded by proposed open space. The indicative layout makes provision for ecological enhancement measures to be incorporated into the scheme, including, amongst others the provision of a wet-water attenuation basin that will provide additional habitat for such water based protected species.

The Borough Council's Senior Ecologist has confirmed that subject to mitigation which can be secured by planning obligations as part of any reserved matters application, the scheme overall could provide a minor net gain in biodiversity.

Overall, it is considered that a carefully considered reserved matters application could result in a development which ensures there is no biodiversity net loss. If any loss is unavoidable, then a suitable off site compensation contribution can be secured by the Section 106 agreement Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity at the reserved matters stage and secured via the Section 106 agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

Section 106 Contributions

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. 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:

Education	<ul style="list-style-type: none"> • Seeks £169,233.00 towards early years provision in Sileby. • Seeks £1,628,571.43 for primary school provision in Sileby/Cossington. • Seeks £33,292.26 towards secondary school provision in Barrow Upon Soar. • Seeks £91,736.91 towards Special School Provision in Loughborough.
Libraries	Seeks a £6,890 contribution towards the enhancement of Sileby Library
Open Space	<p>Seeks the following contributions:</p> <ul style="list-style-type: none"> • An on-site multi-function green space • An on-site natural and semi open space • An on-site amenity green space • An on-site LEAP facility

	<ul style="list-style-type: none"> On-site provision for young people or alternatively a £217,510 contribution towards new or enhanced young people's provision within Sileby. 1.42ha on-site provision or a £75,068.00 contribution towards off-site outdoor sports facilities 0.04ha on-site provision or a £25,746.00 contribution towards off-site provision or enhancement of allotment facilities in Sileby An indoor sports contribution to consist of £103,516.00 towards swimming pool facilities, £100,022.00 towards indoor court facilities and £14,768.00 towards indoor bowls rink facilities
Affordable Housing	30% (68 homes) affordable housing on the site at an appropriate mix and with 66% for affordable rent and/or social rent and 34% shared ownership.
NHS	Seeks a contribution of £167,911.60 towards the provision and enhancement of facilities at Highgate Medical Centre (43%) and The Banks Surgery (57%).
Highways	<ul style="list-style-type: none"> £8,000 towards raised kerb provision at the two nearest bus stops £6000 towards Travel Plan Monitoring Travel pack for the first occupation of each new dwelling Six month bus passes (two per dwelling) for the first occupation of each new dwelling Appointment of a Travel Plan Co-ordinator Construction Traffic Routing Agreement
Seagrave Parish Council	Requests that off-site contributions be secured towards traffic calming measures in Seagrave. No details of cost or schemes are provided.
Leicestershire County Council Waste Services	Seeks a £11,781.00 contribution towards the enhancement of Mountsorrel Waste and Recycling Centre.

These contributions and on site provision (with the exception of indoor sport and those requested by the Parish Council) are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24. There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. As a result, it has not been fully demonstrated that the contribution towards indoor sport provision is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122. The request made by the Parish Council is not detailed nor does it request any specific amounts or refer to any identified projects so an assessment against CIL regulation 122 cannot be made.

Planning Balance and Conclusion

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

As there is currently an insufficient supply of deliverable housing sites (3.34 years), this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide 228 new units of which 30% would be affordable homes, at a time when there is an acute need for these. This is a significant benefit of the scheme. These would be provided in a relatively sustainable type of settlement in the Borough where there is a good level of local facilities a train and a bus service to Loughborough and Leicester. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, or flooding that cannot be mitigated, no net loss of biodiversity and landscape compensation can be secured by way of detailed landscape design. There would be no harm to heritage assets. Impacts on infrastructure and public services can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this is the conflict with Development Plan policies which set out the spatial strategy for the Borough. There would be some limited harm to the landscape as set out above.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing. Accordingly, it is recommended planning permission should be granted conditionally subject to a S.106 agreement as set out below

RECOMMENDATION A:-

That authority is given to the head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Education	<ul style="list-style-type: none">• Seeks £169,233.00 towards early years provision in Sileby.• Seeks £1,628,571.43 for primary school provision in Sileby/Cossington.
-----------	---

	<ul style="list-style-type: none"> • Seeks £33,292.26 towards secondary school provision in Barrow Upon Soar. • Seeks £91,736.91 towards Special School Provision in Loughborough.
Libraries	Seeks a £6,890 contribution towards the enhancement of Sileby Library
Open Space	<p>Seeks the following contributions:</p> <ul style="list-style-type: none"> • An on-site multi-function green space • An on-site natural and semi open space • An on-site amenity green space • An on-site LEAP facility • On-site provision for young people or alternatively a £217,510 contribution towards new or enhanced young people's provision within Sileby. • 1.42ha on-site provision or a £75,068.00 contribution towards off-site outdoor sports facilities • 0.04ha on-site provision or a £25,746.00 contribution towards off-site provision or enhancement of allotment facilities in Sileby
Affordable Housing	30% (68 homes) affordable housing on the site at an appropriate mix and with 66% for affordable rent and/or social rent and 34% shared ownership.
NHS	Seeks a contribution of £167,911.60 towards the provision and enhancement of facilities at Highgate Medical Centre (43%) and The Banks Surgery (57%).
Highways	<ul style="list-style-type: none"> • £8,000 towards raised kerb provision at the two nearest bus stops • £6000 towards Travel Plan Monitoring • Travel pack for the first occupation of each new dwelling • Six month bus passes (two per dwelling) for the first occupation of each new dwelling • Appointment of a Travel Plan Co-ordinator • Construction Traffic Routing Agreement
Leicestershire County Council Waste Services	Seeks a £11,781.00 contribution towards the enhancement of Mountsorrel Waste and Recycling Centre.
CBC Ecology	Submission of updated BIA at RM application with any net loss of biodiversity to be compensated for with off-site contribution calculated using the WCC methodology.

RECOMMENDATION B:-

That subject to the completion of the agreement in recommendation A above, planning permission be granted subject to the following conditions and notes:

1.	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none">• Location Plan (Drawing Number CSA/3536/108)• Site Access Plan (Drawing Number P20058-001) <p>REASON: To provide certainty and define the terms of the permission</p>
3.	<p>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.</p> <p>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.</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area and includes an appropriate level of smaller 2/3 bedroom units and single storey units.</p> <p>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.</p>
5.	<p>No development shall take place until a programme of archaeological work 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:</p> <ul style="list-style-type: none">• The programme and methodology of site investigation and method• The programme for post investigation assessment• Provision to be made for analysis of the site investigation and recording• Provision to be made for the publication and dissemination of the analysis and records of the site investigation• Provision to be made for archive deposition of the analysis and

	<p>records of the site investigation</p> <ul style="list-style-type: none"> • Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.</p> <p>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.</p>
6.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ol style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard surfaced areas; ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site; iii) finished levels or contours within any landscaped areas; iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. v) functional services above and below ground within landscaped areas; and vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed. <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and WV1 of the Development Plan.</p>
7.	<p>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.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>
8.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ol style="list-style-type: none"> i. An 0.18ha on-site multi-function green space ii. An 1.09ha on-site natural and semi open space iii. An 0.25ha on-site amenity green space iv. An on-site LEAP facility <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15</p>

9.	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>
10.	<p>No part of the development hereby permitted shall be occupied until such time as improvements to the junction of Brook Street / Cossington Road / High Street have been agreed in writing with the Local Planning Authority and implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety, to ensure the satisfactory appearance of the works having regard for the Sileby Conservation area (policy CS14) and in accordance with the National Planning Policy Framework (2021).</p>
11.	<p>No part of the development hereby permitted shall be occupied until such time as improvements to the junction of The Banks / Albion Road / Brook Street / Burton Road have been agreed in writing with the Local Planning Authority and implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety, to and in accordance with the National Planning Policy Framework (2021).</p>
12	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Prime Transport Planning drawing number P20058-001 have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021)</p>
13.	<p>The development hereby permitted shall be brought into use in accordance with the targets and measures contained in the Prime Transport Planning Travel Plan dated March 2021.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
14.	<p>No development approved by this planning permission shall commence until a phase II investigation has been undertaken and where appropriate</p>

	<p>a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:</p> <p>A. A preliminary risk assessment which has identified:</p> <ul style="list-style-type: none"> • all previous uses; • potential contaminants associated with those uses; • a conceptual model of the site indicating sources, pathways and receptors; and • potentially unacceptable risks arising from contamination at the site. <p>B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>C. The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>REASON: To prevent pollution of controlled waters and new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of ground or water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person is presented.</p>
15.	<p>Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>REASON: To prevent pollution of controlled waters and new and existing development from contributing to or being put at unacceptable risk from,</p>

	<p>or being adversely affected by unacceptable levels of ground or water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person is presented.</p>
16.	<p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS15 and CS16.</p>
17.	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access/internal road shall be retained and maintained at all times. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.</p> <p>REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development</p>
18.	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
19.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
19.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction</p>

	<p>of the development must be carried out in accordance with these approved details.</p> <p>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.</p>
20.	<p>No dwelling approved by this planning permission shall be occupied until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>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.</p>
21.	<p>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.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>
22.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy is submitted that accords with the recommendations contained within the submitted and approved Ecological Impact Assessment by CSA Environmental dated March 2021 (section 5 Enhancement). As a minimum these details shall include;</p> <ol style="list-style-type: none"> 1) On site priority habitat creation and protection 2) Construction Ecological Management Plan (CEMP) to protect features during the construction phase. 3) Post-construction, a Biodiversity Management Plan (BMP) will be prepared and implemented. <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.</p>
	<p>Clearance or construction works shall not commence until the local planning authority has been provided for approval with either:</p> <ol style="list-style-type: none"> a) a non-licensed methods statement detailing the timing of works, working methods, any additional safeguards and responsibilities in

	<p>respect of great crested newt, or;</p> <p>b) a licence, or registration under a relevant licensing regime, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead in respect of great crested newt.</p> <p>The development shall thereafter be undertaken in accordance with the approved non-licensed method statement or relevant licensing regime license or registration.</p> <p>REASON: in the interests of protected species in accordance with policy CS13 and the NPPF (2021).</p>
--	---

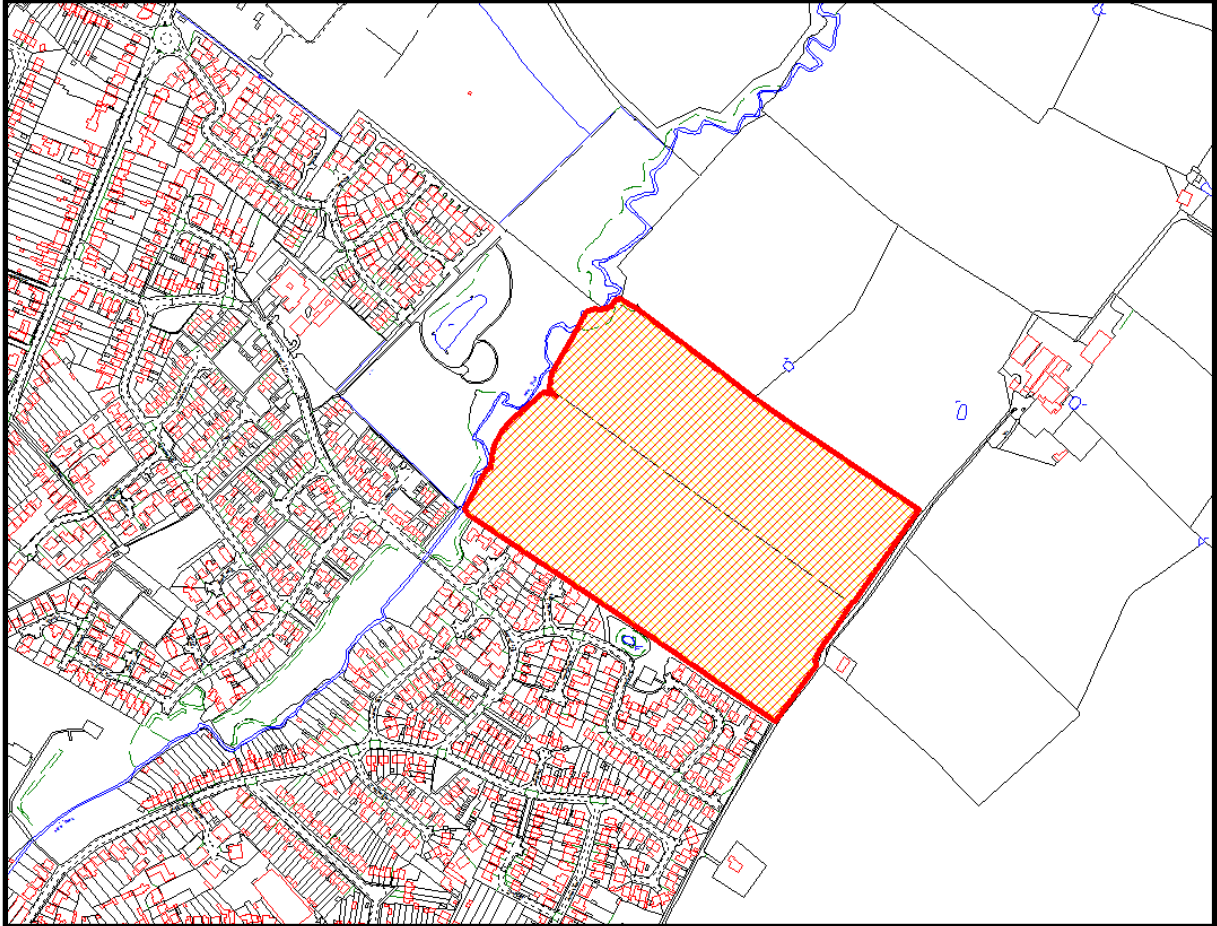
Informative Note(s):

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, 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 (2021), 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>
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A

minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.

5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
7. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of infrastructure contributions necessary to make the development acceptable in planning terms.
8. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage

strategy that could be used should infiltration results support an alternative approach.



Item No. 4

Application Reference Number P/20/1526/2

Application Type:	Full	Date Valid:	21.10.2020
Applicant:	Dr Rohit Sahdev		
Proposal:	Demolition of existing dwelling, garage and outbuildings. Erection of a replacement dwelling including annexe and attached garage, and associated hard and soft landscaping works.		
Location:	Benscliffe Cottage, Benscliffe Road Newton Linford		
Parish:	Newton Linford	Ward:	Forest Bradgate
Case Officer:	Ann Scott	Tel No:	07592104635

Background

This application has been brought to plans committee as it has been called in by Councillor Snartt on the grounds of local heritage and historical significance and is recommended for approval.

Description of the Application Site

The application site is situated in open countryside as established by saved Policy ST/2 of the Charnwood Local Plan 2004, outside the Limits to Development. The application site contains a detached dwelling, formerly a cottage dating back to the middle of the 19th century originally built for a local worker but over time the use has changed hands and the building has undergone significant alterations to increase the size of the dwelling.

The site lies within the Charnwood Forest Boundary and is in Landscape character area 2 of the Charnwood Forest Landscape Character Area; Ulverscroft Wooded Valley. The site is relatively isolated with one neighbouring dwelling, and lies at the end of a long gated driveway accessed from Benscliffe Road. The site is well screened from wider public vantage points due to the traditional stone walling and dense woodland that surrounds the site on all sides. The site slopes down significantly between the west and east of the existing dwelling towards Benscliffe Road. The main lawned garden area is located on a plateau to the south west of the existing dwelling. The site is accessed via a long wooded driveway from Benscliffe Road to the east. A pond is located within the south east corner of the site.

Description of the Proposal

The application proposes the demolition of the existing dwelling, garage and outbuildings and the erection of a replacement dwelling to include an annexe, garage and associated landscaping. Access would be retained from Benscliffe Road.

The proposed dwelling would be located further west within the site on the adjacent plateau. The scale and massing seeks to replicate the existing dwelling to be demolished but seeks a more contemporary style with the use of locally distinctive

traditional materials. The design and appearance has been informed by the topography and landscape of the existing site.

The proposed materials are local stone walling, facing brickwork and traditional herringbone brick detailing, with Swithland slate roof using reclaimed slate from the existing dwelling where possible. The proposed fenestration would be a mix of timber and powder coated aluminium frames. The applicant seeks to remove/replace the existing gates adjacent to Benscliffe Road.

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 72 (2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the area currently comprises the Charnwood Local Plan 2011-2028 Core Strategy and the “saved” policies of the Charnwood Borough Local Plan 1999-2006. Policies relevant to this application include:

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Newton Linford as another settlement, where small scale development within limits to development is supported.

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, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

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 CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to 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 CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

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

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

CT/14 – Replacement dwellings. This policy supports the principle of replacement dwellings in the countryside subject to meeting a number of criteria.

Policy EV/1 Design - This 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 TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

Other material considerations

The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up-to-date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework as a whole.

The NPPF policy guidance of relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 74). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the 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 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Paragraph 78 seeks to ensure in rural areas policies and decisions should be responsive to local circumstances and support housing that reflects local needs.

Paragraph 80 (a-e) advises that planning policies and decisions should avoid the development of isolated homes unless there is an essential need for a rural worker, the development would enable development to secure a heritage asset, the development would involve the use of redundant buildings or the development would involve the subdivision of an existing residential building; or the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards or design in more generally rural areas and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

Section 8: Promoting healthy and safe communities

Planning decisions should aim to achieve healthy, inclusive and safe places which; promote social interaction, are safe and accessible, and enable and support healthy lifestyles.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph

113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). 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. 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 111).

Section 12: Achieving well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding, and coastal change

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. (Paragraph 152)

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

The Planning (Listed Buildings and Conservation Areas) Act 1990.

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

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.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017) The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

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.

Landscape Character Appraisal: The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

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. As this application is for a site of less than 5 hectares and is for a single replacement dwelling it does not stand to be screened for an Environmental Impact Assessment.

Technical Housing Space Standards (2015):

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council; it is however a material consideration.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

The Draft Charnwood Local Plan 2021-37

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire County Council – Highways	Refer to standing advice – no objections
Newton Linford Parish Council	No objection. Careful consideration has been given to the proposal and the sympathetic design would have a minimal impact on the surroundings but would ask that consideration be given to surface water run off onto Benscliffe Road.
Historic England	Considered the building for listing in December 2020. Recommends that the criteria for listing are not fulfilled. The entrance gates to Benscliffe Cottage although are good quality and of local interest are not recommended for listing.
Ward Member Councillor Snartt	Considers that that there may be local heritage and historical significance connected to the building.

	Therefore, requests that the application is “called in” until I understand more fully the detail surrounding this information.
--	--

Other Comments Received

20 letters of representation have been received, some with supporting historical information about the dwelling and some with requests to speak at the plans committee meeting. Comments and concerns raised are as follows;

- The building to be demolished is of local interest which they say is in the Arts and Crafts Style. They mention that the house and gates are of particular interest.
- Loss of a building of local heritage interest, which contributes to the character of the Charnwood Forest local area.
- Concerns that the existing building has habitat potential for protected species and these would be lost if it is demolished.

Relevant Planning History

Reference	Proposal	Decision
P/75/1013/2	Alterations & extension to dwelling	Granted 10/7/1975
P/81/2852/2	Ext to playroom, utility, wc, & breakfast room, first floor ext of bathroom and bedrooms.	Granted 19/11/1981
P82/2102/2	Ext to dining room, lounge and 2 bedrooms & erection of a garage.	Granted 25/8/1989

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 Charnwood Local Plan 2011-2028 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. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Except for those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

The main issues are

- Principle of development
- Impact on non-designated heritage assets
- Visual impact on character of the area
- Impact on residential amenity
- Highway matters
- Flood risk and drainage
- Biodiversity and ecology
- Other matters

Principle of Development

The principle of development is guided by local plan policies CS1 of the Charnwood Local Plan Core Strategy (2015) and saved policy ST/2 of the Borough of Charnwood Local Plan (2004).

Policy CS1 of the Core Strategy sets out the broad strategy for housing growth across the borough. The policy targets proportionate growth towards the edge of Leicester, then to Loughborough and Shepshed and then to the smaller settlements within the hierarchy. Policy CT/1 guides development where it is in the countryside and outside of the limits identified by saved policy ST/2. Development will normally be strictly controlled, and small scale new built development is acceptable where there would not be a significant adverse environmental impact and where it should be demonstrated that the proposed development could not be reasonably located within or adjacent to an existing settlement.

The site is located within the countryside outside of the limits of any sustainable settlement. However, the proposal seeks to replace an existing residential dwelling and would not result in any net increase of residential units in the countryside and is therefore an exception to the above mentioned policies which restrict development in the countryside. It is therefore considered that subject to a legal agreement that secures the demolition of the existing building to ensure there is no net increase in units on the site, there is no objection in principle to residential development within this location and as such the proposal does not conflict with Policy CS1 of the Core Strategy or Saved Policies ST/2 or CT/1 of the Local Plan.

The key considerations are therefore the principle of demolition, design and siting of the proposed replacement dwelling and the subsequent impact on the character and appearance of the area and the amenity of surrounding residential properties.

In order for the development to be considered acceptable, the specific criteria set out within saved policy CT/14 will be of particular relevance in the consideration of the replacement dwelling. This policy requires that the following criteria are met;

1. *The replacement would not result in the loss of a building acknowledged to be of local historic or architectural interest;*
2. *The original building is unsuitable for habitation and/or not viable to repair;*

3. *The proposed replacement dwelling represents only a modest change in the size of the original property and is a mass, height, colour, design and material compatible with the traditional character and appearance of the locality*
4. *The proposed replacement dwelling is on the site of the original dwelling or if appropriate, in a siting elsewhere within the curtilage where there would be a less damaging visual impact and provided that the original dwelling is demolished*
5. *There is no increase in the number of dwellings on the site*
6. *There would be no significant adverse impact on the amenity enjoyed by neighbouring properties.*

In respect of the existing building to be demolished, it is acknowledged to be of some historic and architectural merit, although it is not listed nor included on a local list or is it within a designated conservation area. Policy CS14 outlines the criteria for development which affect heritage assets and how the Council will conserve and enhance heritage assets for their own value, and the community and environmental and economic contribution they make. The application is not accompanied by a heritage assessment as the building is not listed. In December 2020 Historic England considered the building for listing however concluded that the building did not meet the criteria for inclusion on the National Heritage List for England.

Historic England advise *“in terms of its contribution to the locality and any historical significance, Benscliffe Cottage and its entrance gates do have local historic interest as a house with early origins and a good quality early-C19 gate, but overall, they are not of the level of interest required for national listing. Benscliffe Cottage and entrance gates, Newton Linford, are not recommended for listing. The reasons for this are the building is of relatively recent date and despite being an attractive house with well-considered elevation treatments and a good relationship with its garden context, it is not exceptional or innovative”*. The report goes on to state that;

“the early origins of the house as a warrener’s cottage are evidenced mainly by the retention of some ceiling beams, and this early building does not survive with the integrity and completeness necessary to demonstrate national special interest....”

“...the iron gates are modest in size and design, and have been disconnected from their original location and context where they would have been part of a unified house and garden design...”.

**... the house is a good example of a large villa in the Arts and Crafts style, but this is not an unusual type of house for its date, and its interest is at a local rather than national level...”*

The Council’s Design and Conservation Officer in assessing the application has considered the comments of Historic England and assessed the existing building against the Council’s own criteria for local listing. It is concluded that due to the

buildings lack of original intactness and lack of sufficient architectural and historic interest, it is not considered to meet any of the criteria for local listing.

Notwithstanding this, it should still be considered a “non-designated heritage asset” and assessed in accordance with paragraph 203 of the NPPF which requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The heritage significance of the building is now limited to the extensive use of very distinctive local materials, the past uses of the site and building, the assimilation into the landscape setting by cutting into the topography, and the location within a naturalised garden and woodland setting. The impact of the proposed development would be the total loss of the heritage asset. The asset currently has limited heritage significance due to the extensive ill-conceived alterations. The level of harm from the loss of the asset is considered to be minor/moderate.

It should be acknowledged that the proposal would result in the total loss of the non-designated heritage asset, however its significance is extremely limited on account of the unsympathetic and irreversible harm caused by extensions and alterations in the latter half of the 20th Century. Therefore, on balance it is not considered that demolition of the existing building could be resisted in the context of paragraph 203 of the NPPF.

In terms of criteria 2 of Policy CT/14, it is not considered that the building is unsuitable for habitation or unviable to repair, although it should be noted that the layout and internal stepped arrangement renders the dwelling unsuitable in meeting the specific needs of the applicant. Due to its age and inconsistency with the National Planning Policy Framework, this aspect of the policy carries only very limited weight and it is not considered a reason to refuse the application on account of any conflict with aspect of the policy could be justified.

In terms of criteria 5 of Policy CT/14, subject to the above mentioned legal agreement, there would be no net increase in the number of dwellings on the site and as such the proposal accords with this aspect of the policy. Other criterions of policy CT/14 that relate to design, impact on the character of the area and amenity are considered under the relevant sections below.

In conclusion, insofar of the principle of development is concerned, it is considered on balance that the principle of a replacement dwelling at this location is acceptable in accordance with Policies CS1, CT1, ST/2 and CT14. Furthermore, it is not considered, on balance, that the building to be demolished is of such architectural quality or of such heritage significance that its demolition could be resisted under (1.) of policy CT/14, or CS14 of the Core Strategy, or could it be retained as a non-designated heritage asset under paragraph 199 of the NPPF. However, in order to satisfy other policies within the development plan and the NPPF, the quality of design of any replacement dwelling should be of equal or greater design quality than the building to be replaced and should respect or improve the character and appearance of the area.

Design and Impact on the Character of Area

Policy CS11 relates to Landscape and Countryside and requires new development to protect landscape character and reinforce a sense of place. Policy CS2 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS2 and EV/1 also require that new development respects and enhances the character of the area in terms of scale, density, massing, height, landscape, layout, materials and access arrangements. Policy CT/14 requires that 'the proposed replacement dwelling represents only a modest change in the size of the original property and is a mass, height, colour, design and material compatible with the traditional character and appearance of the locality' Policy CT/14 also requires that the replacement dwelling is on the site of the original dwelling or if appropriate, in a siting elsewhere within the curtilage where there would be a less damaging visual impact and provided that the original dwelling is demolished.

The National Planning Policy Framework 2021 paragraph 130 a.) advises that Planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development. Paragraph 130 b.) seeks to ensure that new developments are visually attractive because of good architecture, layout and appropriate and effective landscaping.

Over time the existing dwelling has been extended by elongated extensions to either side resulting in a long linear pattern of built development. The site is sloping and the existing dwelling on differing levels. The existing elevations show a range of differing roof pitches, levels and fenestration running from the highest point of the site (west) to the lowest point (east). The existing house has Arts and Crafts features including Tudor style boarding to the pitched gables to the front of the property. Most of the property has been rendered and whitewashed.

The rationale for the design of the proposed dwelling is set out in the design and access statement which advises in the introduction section 1.0 that the design of the dwelling is to *"create a dynamic and contemporary twist on the traditional dwelling. With many contemporary features within a distinctly traditional and contextual design."* The design and access statement goes on to advise that *"the existing house is unsuitable for the long-term functionality of the dwelling"* for the applicant and their family and because the house is on split levels the statement advises *"that this restricts the adaptation and development opportunities of the existing dwelling."*

The replacement dwelling proposes a more compacted arrangement with the use of three gabled sections to the front with brickwork detailing, a Swithland Slate roof interspersed with two small dormer windows to the front with the roof sloping down between the gables to reduce the mass of the building. The central gable has beamed timber to the front section and proposes the use of long feature aluminium window frames with tall, glazed sections within the first floor and the use of tall window fenestration details below including opening door sections within this gable at ground floor akin to French style windows. To the rear this is replicated in the central gable and on a side gable elevation facing the garden.

The rear section of the roof contains four small symmetrical dormer windows together with a panel of three roof lights at high level to have a lantern effect to the front and rear elevations of the single storey section of the dwelling containing the side wing of the proposed dwelling. The side wing also contains large sections of floor to ceiling glazed elements. There are four chimneys interspersed at various sections of the roof to give a more traditional appearance to the proposed replacement dwelling. Overall, the appearance of the replacement dwelling is of contemporary character with the use of traditional features including chimneys, local slate roofing materials, and timber oak framed features with the use of brick and render to break up the mass of the building and give more visual interest. In these regards, it is considered that the design of the replacement building reflects the area and landscape character and accords with policies CS2, CS11 and EV/1 and the Design SPD.

The design of the proposed replacement dwelling in terms of its size, siting and design considered to be significant in terms of bulk and height on this plot, which is located to the West of the existing dwelling. The re-siting of the dwelling in the alternate location is borne out of the need for single level living rather than the split level of the existing building to be demolished.

Policy CT/14 seeks to ensure that the proposed replacement dwelling represents a modest change in the size of the original property and is of a mass, height, colour, design, and materials compatible with the traditional character and appearance of the locality. The replacement dwelling is on the site of the original or if appropriate its siting elsewhere in the curtilage there would be a less damaging visual impact and provided the original dwelling is demolished. In these regards, it is considered that the replacement dwelling is of similar footprint and mass as the existing building to be demolished. In this regard, the proposal complies with criteria 3 of Policy CT/14. Whilst it is acknowledged that the proposed dwelling is not on the site of the existing, and is located on higher ground, it is not considered that this would result in any adverse visual or landscape impact by virtue of the existing dense screening around the site which conceals the site from wider public vantage points. Notwithstanding this, the character of the landscape in this part of the Charnwood Forest is defined by large, interspersed dwellings on elevated hill sides thus it is not considered that the building if seen would detract from the landscape character.

Paragraph 134 b) of the National Planning Policy Framework discusses outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of the surroundings. In relation to paragraph 134 b) the design of the proposed dwelling is not considered to be outstanding or innovative but is of a standard that does fit in with the overall form and layout of the surroundings in terms of the contemporary approach with the use of form, architectural details and materials which do help to assimilate the proposed dwelling into landscape.

The Council's Senior Landscape Officer has considered the proposal in terms of trees and has commented that the oak tree (T8) is in proximity of the proposed building, in terms of the root protection zone. It is considered that the site is extensive with good scope to avoid the tree which is avoidable by design. The tree is not subject to a Tree Preservation Order (TPO) nor is it within a location that would cause it to have sufficient public amenity value to justify protection by TPO. It is considered that the

root protection areas can be protected during construction. Conditions in relation to tree protection measures can be attached to protect existing trees within the site. On balance, there are no objections in principle to the proposed siting of the dwelling in relation to the trees within the site.

The proposal also seeks to replace a pair of existing gates at the access point along Benscliffe Road. Whilst it is acknowledged that the gates are attractive in their own right, they are not considered by Historic England or the Council's Conservation Officer to possess heritage value nor are they originally associated with the existing house. There is no objection to their removal subject to a condition that requires approval of details prior to the installation of any new entrance gates having regard for the character of the area and highway safety.

In conclusion, it is considered that the design and siting of the proposed replacement dwelling is acceptable having regard for policies CS2, CS11, EV1, CT2, CT14, The National Planning Policy Framework and the design SPD.

Impact on Residential Amenity

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. Criteria 6 of Policy CT14 requires that there would be no significant adverse impact on the amenity enjoyed by neighbouring properties as a result of the replacement dwelling. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

The proposed development by virtue of the wooded and isolated site location is not considered to result in the loss of sunlight, daylight, nor is it considered to have an adverse impact on the privacy of nearby dwellings or would give rise to any sense of overbearing impact, noise and disturbance or intensification of the existing use and would not result in any additional light or glare to nearby properties. The addition of any proposed exterior lights can be controlled by a suitable condition in the interest of protecting wider amenity, and the character and appearance of the countryside and wildlife.

In relation to the attached self-contained annexe for the accommodation for the applicants extended family members, a restrictive condition is considered appropriate to ensure that the annexe remains ancillary to the main house and is not let or otherwise separated as an additional dwelling in the open countryside as this would not be appropriate in this location in accordance with Policies ST/2 and CT/1 of the Local Plan (2004) and would prevent what would otherwise be an unacceptably close relationship between the annexe and the main house.

No other comments or objections have been received on the grounds of residential amenity.

The proposal does therefore, following careful design, comply with the provisions of policies CS2, EV/1 and CT14 along with the guidance set out in the Design SPD.

Highway Matters

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan 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

Paragraph 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. The site is situated in a rural area and the opportunities for sustainable means of travel are available by means of walking, cycling but there will be limited opportunities for accessibility by means of public transport networks. As the application is for a replacement dwelling, the use of the site and its existing access will not be intensified. The Leicestershire County Council as Highway authority do not object to the proposal and refer the local planning authority to standing advice.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly, the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm.

Flooding and Drainage

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

The site itself is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. It is considered that there will be no further adverse impact on drainage to the site from the resulting development. Comments from the Parish Council advise that they would not wish to see an increase in surface water run off onto Benscliffe Lane from the resulting development. The Environment Agency Flood Map for Planning does not demonstrate any information in relation to surface water flood risk at this location and it is the responsibility of the applicant under the building regulations to ensure that excess water is adequately drained on site. As the proposal is for a replacement dwelling, it is considered that the resulting development can be accommodated within the site. The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The application is not supported by an Ecological Appraisal. The Borough Council's Senior Ecologist has confirmed that there is evidence of the presence of protected species within the existing building and subject to mitigation in the form of a bat mitigation strategy which is to be submitted and approved prior to commencement of development, no objection is raised. The proposed landscape measures including the provision of green roofing are also supported.

Policy CS13 supports development which protects biodiversity or enhances, restores, or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity by suitable pre-commencement condition for a Phase 1 Ecology Survey and a Bat Mitigation Strategy, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

Section 106

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. In this instance as the proposal is for a replacement dwelling there are no requirements for financial contributions. A Section 106 Unilateral Undertaking is however necessary to secure the demolition of the existing dwelling within a timeframe to be agreed.

Planning Balance and Conclusion

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

In this case the development would provide a replacement dwelling in the countryside. Whilst the proposal would result in the loss of a non-designated heritage asset to be considered of some local historic interest, the harm from the resulting demolition is not considered to be sufficient having regard for the limited historic and architectural significance of the building.

The proposed replacement dwelling represents good design that responds to local and landscape context in accordance with policies CS2, CS11, EV/1, the NPPF and the Design SPD. There would be no other adverse impact that cannot be mitigated with the use of conditions in terms of amenity or ecology. There is neutral impact in terms of parking provision and access.

Whilst the proposal does not comply with all criteria of saved policy CT/14 as it is considered that the existing building is habitable and not unviable to repair, it has to be considered in the planning balance that this criterion is not consistent with the NPPF and as such carries only limited weight. Such limited weight would not be considered sufficient to justify a refusal of the application on this basis.

Accordingly, it is recommended planning permission should be granted conditionally

subject to a S.106 agreement as set out below

RECOMMENDATION A:

That authority is given to the head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement (or accept a Unilateral Undertaking) under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

- To secure the demolition of the existing dwelling Benscliffe Cottage within an agreed timescale.

RECOMMENDATION B:

That subject to the completion of the agreement in recommendation A above, planning permission be granted subject to the following conditions and notes:

1.	<p>The development hereby permitted shall not be begun not later than 3 years from the date of this permission.</p> <p>Reason to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and information.</p> <p>Approved drawing numbers 7973_03_001 Rev A Site location plan 7973_03_003 Lower Ground Floor Plan 7973_03_004 Ground floor plan 7973_03_005 First floor plan 7973_03_006 Rev A Site plan 7973_03_007 Elevations 7973_02_008 Section elevations</p> <p>Reason to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>Prior to the development reaching Damp Proof Course level or above, samples of the facing bricks and any other materials to be used on the external walls of the building, and roofing slates and any other materials to be used for the roof of the building shall have been submitted to, and agreed by, the Local Planning Authority. Prior to their installation, the</p>

	<p>details of any other external materials to be used for the building, (including doors, windows, rainwater goods and other external fittings), shall have been submitted to, and agreed by, the Local Planning Authority. Only materials agreed in writing by the Local Planning Authority shall be used in carrying out the development.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory.</p>
4.	<p>No development shall commence until a Phase One Ecology Assessment and a Bat Mitigation Strategy has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed Strategy.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.</p>
5.	<p>Notwithstanding the submitted details, prior the development reaching Damp Proof Course level or above, a landscaping scheme, to include those details specified below, shall be submitted in writing to the Local Planning Authority for approval:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard areas; ii) full details of tree planting; iii) planting schedules, noting the species, sizes, numbers and densities of plants; iv) finished levels or contours; including finished floor levels v) any structures to be erected or constructed; vi) functional services above ground (including all external lighting) and below ground; and vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed. <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 of the Development Plan.</p>
6	<p>The agreed landscaping scheme shall be fully completed, in accordance with the details under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the Local Planning Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.</p> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 of the Development Plan.</p>

7	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
8	<p>The self-contained annexe hereby approved shall be occupied in conjunction with the occupation of the dwelling hereby approved and shall not be sold or let as a separate unit of accommodation.</p> <p>REASON: This condition is imposed for the avoidance of doubt and in accordance with Policy ST/2 CS14 of the Charnwood Borough Council Local Plan 2004 and the National Planning Policy Framework as the provision of a dwelling in the open countryside would not normally be approved unless it is essential for agriculture, horticulture or forestry.</p>
9	<p>Prior to the installation of any new or replacement entrance gates, details shall first be submitted and approved by the Local Planning authority. The gates thereafter shall be installed and retained in accordance with the approved details.</p> <p>REASON: in the interests of preserving and enhancing the character of the area in accordance with policy CS2 and Highway safety in accordance with paragraph 110 of the NPPF.</p>

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, CT14, EV/1, TR/18, 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 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>

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
7. This permission has been granted following the conclusion of an agreement/Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 relating to the provision of a timescale for the demolition of the existing dwelling necessary to make the development acceptable in planning terms.
8. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and

protection. Details regarding the protection of any proposed infiltration areas should also be provided.

10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

