

Item No. 2

Application Reference Number P/21/2131/2

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|--------------------------|--|--------------------|---------------------------------|
| Application Type: | Outline | Date Valid: | 30 th September 2021 |
| Applicant: | Barwood Development Securities Ltd | | |
| Proposal: | Outline planning application with all matters reserved (except for access) for the development of up to 175 dwellings with associated infrastructure, accesses, landscaping and open space | | |
| Location: | Peashill Farm Ratcliffe Road Sileby LE12 7QB | | |
| Parish: | Sileby | Ward: | Sileby |
| Case Officer: | Mohammed Akram | Tel No: | 07595464216 |

Background

This application is referred to Plans Committee in accordance with the scheme of delegation, as the development is a major application set outside the settlement limits for Sileby, and therefore represents a departure from the development plan and the Officer recommendation is one of approval. All matters are reserved apart from access.

The application has also been called in at the request of Ward Councillors Andrew Palling and Paul Murphy under the Council's call-in procedure. The application has been called in for the following reasons:

- Overbearing impact from this development.
- Traffic issues that are already impacting the village of Sileby.
- Building in the open countryside.
- Schools are oversubscribed.
- Flooding issues within a village that suffers from a poor road network.
- Overstretched Doctors surgeries, bearing in mind this original application was inclusion of a small medical provision.

Description of the application

The application site comprises 7.97 hectares of undeveloped agricultural land forming part of Peashill Farm, located to the southwest of Ratcliffe Road, to the south-east of the settlement of Sileby. The topography of the site is gently undulating land, which rises from the southern corner to a high point at the northern corner of the site. There is a field drain/ditch bisecting the two fields on site, which runs from north-west to south-east across the site, discharging to an unnamed watercourse. Trees and hedgerows also bound the site along Ratcliffe Road and to the southern boundary beyond which lie arable fields. The site is situated to the southwest of Ratcliffe Road and outside defined settlement limits for Sileby

as defined by Local Plan Policies Map. The application is adjacent to southern edge of the defined limits to development within the Sibley Neighbourhood Plan and Emerging Local Plan.

The application site is situated within Flood Zone 1. The unnamed watercourse flows along the south boundary of the site that runs in a south-westerly direction, towards the River Soar that is located south westerly direction approximately 1km from the application site. Beyond this tree and vegetation lined watercourse lies agricultural fields. To the southwest, the boundary is shared with a detached residential dwellinghouse on Ratcliffe Road beyond which is arable fields to the south and east and by Ratcliffe Road to the northeast. There is also a drainage ditch located along Ratcliffe Road, which supporting information confirms that it discharges into an ordinary watercourse through a small culvert. The nearest heritage asset is the locally listed Cemetery/Chapel Building and Grade II Listed Ratcliffe College on Rosminian Way, which are located approximately 430m northwest and 800m southeast of the site. The site is also located within 1km of Sibley village centre and Conservation Area.

The north-western boundary of the site adjoins partly constructed residential development for 170 dwellings and includes extensive green infrastructure, allotments, a future extension area for the cemetery granted under outline application ref: P/17/1578/2 known as 'Ratcliffe Gardens' (phase 1 Peashill Farm). Reserved matters application ref: P/19/1683/2 for 170 dwellings was approved 4 November 2020 and the erection of 31 dwellings within three small parcels of land inset from the reserved matters application site was granted full permission on 26 May 2021 under ref: P/19/2162/2 (Overall 201 dwellings). This site is bounded to the east and north by the rear of properties on Ratcliffe Road and Peashill Close, with Sibley cemetery/Chapel/a local wildlife site to the northwest and application site to the south. The roundabout access together with internal road has been constructed between the application site and previously implemented consent for Ratcliffe Gardens (phase 1 of Peashill Farm). There was also reserved matters application P/20/0089/2 approved in respect of Outline Planning Application P/17/1578/2 for the conversion of the existing farmstead and construction of new buildings for use classes B1(a), D1 and D2 (office and community services) which, currently, appears to be used as a construction compound associated to the wider residential development under construction. The outline planning application was subject to S.106 legal agreement that secured obligations for contributions towards primary education, library, healthcare, parking and sustainable transport measures and the provision of 30% affordable housing within the site.

The site is within the Mineral Consultation Area for sand and gravel.

Description of the proposal

The proposal is for outline planning permission for residential development of up to 175 dwellings on the site with associated infrastructure, accesses, landscaping and open space. All matters are reserved other than access.

An illustrative layout drawing has been provided, which shows how the 175 units could be accommodated on the site, together with areas of landscaping, open space and accesses. The previous implemented permission for Peashill Farm (known as Ratcliffe Gardens and referred to phase 1 within supporting documents) included a consented site access roundabout design, which has been constructed together with internal access road (known as Excelsior Way) to the north adjoining the application site. The access plan shows the same access and internal access road will be used for the application site. The details on plan show one vehicular access to the site from recently constructed internal access road Excelsior Way (opposite existing farmstead buildings). The plan shows a 5.5 metre wide access road with 2 metre wide footways on either side lead from the access points into each field. Pedestrian/cyclist accesses are also proposed from Ratcliffe Road and Excelsior Way.

The indicative plan shows enhanced woodland planting to Ratcliffe Road and the southern boundary of the site. Open space including landscaping, an attenuation basin and treed areas are indicated to the south, centre and north (Ratcliffe Road and Excelsior Way junction) of the site. The plan shows connecting road/pathways and perimeter blocks within the site, also providing connectivity to the existing housing development and open space to the north at Ratcliffe Gardens. A play area is shown within the landscaped area to the northwest, adjacent to open space and attenuation basins, associated to previous housing development in phase 1, Ratcliffe Gardens. A pumping station is also proposed to the rear of the site.

This Outline Planning Application is comprehensive and is accompanied by the following supporting information:

- Design and Access Statement with Tree Design Code
- Planning Statement
- Phase 2 Foul Waste Strategy
- Mineral Safeguarding Considerations
- Transport Assessment & Technical Notes
- Travel Plan
- Archaeological and Heritage Assessment
- Landscape & Visual Assessment
- Flood Risk Assessment & Drainage Strategy
- Arboricultural Impact Assessment
- Technical Note – Mineral Safeguarding Consideration
- Phase I Ground Condition Assessment
- Utilities Appraisal Report
- Ecological Appraisal & Technical Note
- Illustrative Masterplan
- Illustrative Masterplan within wider context
- Land use Parameter Plan

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 Cossington 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 (2018-2036) (Made 16/1/20, referendum 21/11/19)

- Policy G1 (Limits to Development)
- Policy G2(Design)
- Policy H2 (Windfall Development)
- Policy H3 (Housing Mix)
- Policy H4 (Affordable Housing)
- Policy ENV4 (Built Environment – Non-designated Heritage Assets)
- Policy ENV6 (Biodiversity, Hedges and Habitat Connectivity)
- Policy ENV7 (Protection of Important Views)
- Policy ENV8 (Biodiversity Protection in New Development)
- Policy ENV10 (Flood Risk and Brownfield Sites)
- Policy CF2 (New and Improved Community Facilities)
- Policy T4 (Bus Transport)
- Policy T5 (Walking & Cycling)
- Policy E1 (Employment)

Minerals and Waste Local Plan (2019)

This plan was adopted in 2019 and forms part of the Development Framework for Charnwood. The document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031. The Development Management Policies set out the criteria against which planning applications for minerals and waste development will be considered and a monitoring framework is included to examine the efficacy and effects of those policies.

In terms of Charnwood, Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

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 11dii). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies and states that conflict is unlikely to be 'significant and demonstrable' unless 4 criteria are met.

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 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 Needs Assessment (HENA) – 2022

HENA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure 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'.

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, but it is included in draft Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

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 and location of the application proposals, it is not considered that the application would constitute EIA development.

The Draft Charnwood Local Plan 2019-37

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2019-37. A number of hearing sessions have been held on some matters in June 2022. An adjournment of hearing sessions is underway to address the specific matter of Leicester's unmet need. Following the further consideration of this issue by the Council and the Planning Inspectorate it is expected that hearing sessions will resume later this year. At this stage the emerging Local Plan is generally given limited weight in the assessment of planning applications depending on the degree of contention there is with its policies through the EIP process.

Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

Submitted Sileby Neighbourhood Plan (Submission Version July 2022)

Proposes updates and amendments to the Neighbourhood Plan arising from changes in circumstances since the 2019 version

Relevant Planning History

Application site

There is no relevant planning history for the site.

Adjoining site part of Peashill Farm

| Reference | Description | Decision & Date |
|-------------|--|---------------------|
| P/17/1578/2 | Outline application for up to 170 dwellings with associated open space, landscaping, extension to cemetery, new allotments, access, surface water attenuation and associated works including demolition of 94 Ratcliffe Road and conversion of existing farm buildings. (Access only to be considered at outline stage). | Granted - 26/1/2018 |

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| P/19/2162/2 | Erection of 31 dwellings and associated infrastructure | Granted – 26/05/2020 |
| P/19/1683/2 | Reserved matters (appearance, scale, layout and landscaping) in respect of Outline Application P/17/1578/2 for the Erection of 170 dwellings | Granted – 04/11/2020 |
| P/20/0089/2 | Reserved matters (appearance, scale, layout and landscaping) in respect of Outline Application P/17/1578/2 for the conversion of the existing farmstead and construction of new buildings for use classes B1(a), D1 and D2) | Granted – 02/09/2020 |

Responses of Consultees & Other Comments Received

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 |
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| Leicestershire Lead Local Flood Authority - LCC | <p>Leicestershire County Council as Lead Local Flood Authority (LLFA) confirms that the site is located within Flood Zone 1 being at low risk of fluvial flooding and consider the proposal acceptable subject to number of conditions are recommended to be attached to any grant of planning permission:</p> <ul style="list-style-type: none"> • Surface water drainage details • Management of surface water during construction details • Long term maintenance of surface water drainage system details • 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 |
| Housing Strategy & Support CBC | <p>Seeks 30% (52 Homes) affordable housing on the site at an appropriate mix and with 66% for affordable rent and/or social rent (35 homes) and 34% shared ownership (17 homes).</p> |
| Leicestershire County Council – Highways | <p>No objections subject to conditions:</p> <ul style="list-style-type: none"> • Construction traffic management plan • Access arrangements submitted implemented fully and visibility splays provided and maintained • Pedestrian visibility splays provided on highway boundary on both sides of access • Amended framework/ travel plan • Highway improvement mitigation scheme shown on Brook Street - Cossington Road - High Street |

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| | <p>Mini Roundabout Mitigation shall be implemented in full</p> <ul style="list-style-type: none"> Public transport strategy to include extension of the Kinchbus 2 service along Wellbrook Avenue and Ratcliffe Road <p>Planning obligations:</p> <ul style="list-style-type: none"> Travel pack (one per dwelling) (£52.85 per pack) 6 months bus pass (two per dwelling) (£470 per pass) STARsfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000 Installation of two bus stops to support modern bus fleet with low floor capabilities and associated flags/poles and timetable cases (£5,400 per stop) |
| Leicestershire County Council - Education | <ul style="list-style-type: none"> Early Years - £133,605 contribution towards provision, improvement, remodelling or enhancement of education facilities at Highgate Community Primary School or at other schools or other early learning provision within the locality of the development Primary School Sector – £963,690.00 contribution towards provision, improvement, remodelling or enhancement of education facilities at Highgate Community Primary School or any other school within the locality of the development Secondary School Sector - £522,426.10 contribution towards provision, improvement, remodelling or enhancement of education facilities at Humphreys Perkins School or at other schools or other school within the locality of the development Post 16 Sector – It is confirmed that no contribution is required from this sector. Special needs School Sector – £98,784.76 contribution towards provision, improvement, remodelling or enhancement of education facilities at Ashmount School or any other school within the locality of the development improving capacity at SEN school. |
| Leicestershire County Council - Libraries | £5,280 contribution towards the enhancement of Sileby Library. |

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| Leicestershire County Council - Waste Management | £9,042 contribution towards HWRC at Mountsorrel |
| Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS) | £72,649.50 additional clinical accommodation for 262.5 patients at Highgate Medical Centre and The Banks Surgery |
| Environment Agency | Raises no objection . There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. |
| Charnwood Open Spaces | Raises no objection subject to on-site/off-site contributions: <ul style="list-style-type: none"> • 0.59ha on-site accessible multi-functional green space area • 0.84ha on-site natural and semi-natural open space • 0.11ha on-site LEAP (Provision for Children) • On-site equipment/ facilities for Young People Local alongside LEAP or off-site contribution of £166,949 • £57,626 off-site contribution for Outdoor Sport facilities • £19,761 off-site contribution for creation of additional allotments at Sileby |
| Charnwood Landscape | Cumulative harm is minor moderate landscape and visual harm-capable of design mitigation to include: <ul style="list-style-type: none"> • enhancement to hedgerow and size category for tree, high canopy species of trees to southern landscape/ woodland area, • street hierarchy such as primary routes spatially capable to accommodate medium sized high canopy tree species with sufficient spatial setback, root volume etc. |
| LCC Mineral Planning Authority | No objections in respect of mineral safeguarding. |
| Charnwood Borough Council Environmental Health | No objections subject to conditions: <ul style="list-style-type: none"> • Ground contamination/ remediation scheme • Construction Management Statement |
| Charnwood Biodiversity | No objection subject to obligations as part of S106 are prepared to include: |

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| | <ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. • To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. • Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures on Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and/or pay the Biodiversity Impact Compensation to the Council. <p>Following planning conditions also need to be imposed:</p> <ul style="list-style-type: none"> • Lighting Scheme • Construction Environmental Management Plan • Boundary Treatment • Landscape & Habitat Management Plan |
| Site and press notice displayed | Neighbours & Ward Councillors consulted |
| Jane Hunt MP | <p>Expresses concern on behalf of constituents on the following grounds:</p> <ul style="list-style-type: none"> • Increased parking and traffic congestion from vehicles entering/ leaving the site via busy Ratcliffe Road in particular when flood waters are up and routes out of the village via Mountsorrel Road and Syston Road are blocked • Built outside the Sileby limits to development and within open countryside and not acceptable in principle • Sustainability to the site location as there is no bus service which serves the site and village centre is a mile away from the edge of the development. Residents are likely to use their cars in order to visit shops. • Concerns in relation to capacity of GP surgeries to take more patients or schools to take more pupil |
| Cllr Andrew Palling & Cllr Paul Murphy | <p>Requested the application be called in to Committee. They object on the following grounds:</p> <ul style="list-style-type: none"> • Overbearing impact from this development. • Traffic issues that are already impacting the village of Sileby. • Building in the open Countryside. • Schools are oversubscribed. • Flooding issues within a village that suffers from a poor road network. |

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| | <ul style="list-style-type: none"> • Overstretched Doctors surgeries, bearing in mind this original application was to include a small medical provision. |
| Cossington Parish Council | <ul style="list-style-type: none"> • They fully support Sileby Parish Council objection towards this application • Concerns are raised that the proposal would affect residents of Cossington as it will have a big impact on Sileby amenities i.e. Doctors, Dentist etc. |
| Sileby Parish Council | <p>Object on the following grounds:</p> <ul style="list-style-type: none"> • The site falls outside the Limits to Development as defined in Local Plan/ Neighbourhood Development Plan and does not represent infill or re-development within the settlement boundary and contrary to policies within Development Plan/ Neighbourhood Plan. • It is not an allocated housing site and would not accord with objectives in the Emerging Charnwood Local Plan (CLP). • Application for an additional, unplanned 175 dwellings is of a significant scale and would represent an increase of circa 50% above the capacity of the sites already identified in the draft Charnwood Local Plan for Sileby. • Although it is acknowledged that there is a lack of a current 5-year housing land supply in the Borough, the application must be viewed in the light of the significant level of housing supply and delivery within Sileby itself. • The overall scale of draft allocations represents a disproportionate level of growth within the village particularly when considered alongside the recent scale of housing that has already taken place or else been approved (e.g. Barnards Drive) contrary to planning policies of development plan and Neighbourhood Plan and the emerging Local Plan. • Similar-sized outline planning application for 170 dwellings on land East of Cossington Road, Sileby (application Ref. P/21/0491/2) was refused as it was considered contrary to a range of policies. Recognition that the development would have a detrimental impact on local infrastructure. Consistency needs to be applied and this application should be refused for similar reasons. • Development would place undue additional pressure upon local facilities and infrastructure. • It undermines the faith local communities have in the plan-led system |

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| | <ul style="list-style-type: none"> • Surface water flooding in the settlement from large amount of recent housing development approved in the village • Site has already been subject to site sustainability assessment as part of developing the evidence base for the Sileby Neighbourhood Plan, which raised significant concerns about the sustainability credentials of the site. • Harm to open countryside and would not retain the predominantly open and undeveloped character of the area • It would cause significant harm to the character of the countryside, and it would not retain the predominantly open and undeveloped character of the area; • The identified harm outweighs any benefits arising from the proposal. <p>The objection can be read in full via Council's website</p> |
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| Consultees | |
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| From | Comments |
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| <p>Twelve letters of objection received from neighbours</p> | <ul style="list-style-type: none"> • Impact on outlook/ open views as the new properties directly overlooked onto this proposed development • Contrary to Sileby Neighbourhood Plan • Significant impact on local amenities in particular on Doctor's surgeries and primary school, which are all oversubscribed • Increased traffic congestion, roads not fit for purpose and disruption to access for routes in and out of Sileby • Significant investment needed as current access from A46 is poor and the road will need to be widened for any further traffic • Secondary access to the site should be made within the wider development itself, avoid the need for site access directly from Ratcliffe Road. Safety on this road for additional driveways requires further investigation/conditions. • Increased noise generated from proposed 'Area of equipped play' and suggest sound defence/ trees are required to protect the current Davidson development (phase I Peashill Farm) • Detrimental impact on the appearance of the area in particular when entering the village • Long term disturbance, noise vibration from increased traffic, mud on roads, blocked drains and working outside of permitted hours |

- Loss of privacy
- Overbearing impact
- Flooding is major issue in the village and the proposal would exacerbate this further as it is located within a high flood area due to the brook that overflows and runs next to this current and future planned development (Peashill Farm)
- Flooding as the effect to the capacity of the Ratcliffe Road Brook following Phase 1 [of the Peashill Farm development] and of Leicester City Football Club [Training Ground] is not fully known as work have not been completed.
- Surface water runoff is a significant risk to the Brooks capacity and existing drains often not able to contain water runoff down Ratcliffe Road. As the only route out of the village in times of flooding, a condition should be applied to secure the reduced risk of flooding [Long term] and protect the natural waterways.
- Evaluation of impact needs to be taken for phase 1 Peashill Farm that resulted in reduction in the number of dwellings from 340 to 170
- Suggest that the development provides significant funding for both Highgate and Redlands schools and additional amenities such as GP/ nursery
- Suggest the separation distance between the development and Davidson Development (phase 1) doubled/ match the current larger attenuation area to avoid the roof line of new housing impacting views
- Suggest substantial woodland/ tree planting between the development to continue the rural nature of the area
- Biodiversity grounds as it would have significant impact on the open countryside and natural species of Plants, Animals and their habitats. Water diversions should include ecological improvements to the watercourse. Suggest that conditions are applied that ensure a positive contribution to wildlife and features that benefit biodiversity together with watercourse management and lighting scheme.
- Detrimental impact to services from phase 1 and Phase 2 and strain to the under provisioned village infrastructure and Services such as schools, Doctors etc.
- Amenities for phase 1, Peashill Farm as the sewerage is not connected and broadband not available to certain parts of the development
- Not informed by developer (Davidson) on purchase of new properties as part of phase 1 development

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| | <ul style="list-style-type: none"> • Significant impact on value of property, negative equity/ financial loss and aesthetic • Lack of notification as the 13no. properties on adjoining development (Davidson) have purchased and not yet moved in. The Council should insist that Davidson inform all of the customers that have purchased homes and all future customers of this application |
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Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019) and the content of the Sileby Neighbourhood Plan (2020).

The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such that there is no reason for them to be given reduced weight. As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (3.04 years) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.

Part i) of NPPF paragraph 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 generally nationally designated areas such as SSSI’s, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by the NPPF such that the NPPF’s presumption in favour of sustainable development and the ‘tilted balance’ applies.

As the Sileby Neighbourhood Plan was made in January 2020 it is more than 2 years old and cannot rely on the provisions of para 14 of the NPPF. Therefore, its policies relating to the provision of housing are also not considered to be up to date.

The main issues are considered to be:

- Principle of development
- Housing mix
- Landscape & Visual Impact
- Design & Layout

- Open Space
- Impact on residential amenity
- Ecology and biodiversity
- Impact on trees
- Land contamination
- Heritage and Archaeology
- Highway matters
- Flooding and drainage
- Loss of Best and Most Versatile Agricultural Land
- Planning Obligations/ S106 Contributions

Principle of the Development

The principle of development is guided by local plan policies CS1 of the Charnwood Core Strategy (2015) and saved policy ST/2 of the Borough of Charnwood Local Plan (2004). Policy ST/2 and Proposals Map of the Charnwood Local Plan identify Limits to Development for various settlements in the Borough. Policy CS1 of the Core Strategy, which outlines the development strategy for the borough and the distribution of sustainable growth. Sileby is designated as a Service Centre due to the range of services and facilities that exist within the settlement, including primary schools, employment opportunities, shops, doctors' surgeries, recreation and leisure facilities, and regular public transport to larger settlements. Policy CS1 seeks to provide at least 3,000 new homes within and adjoining the Service Centres and aims to respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy. 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 CS11 of the Core Strategy is also relevant as the site is located in the countryside and requires, amongst other things, new development to protect landscape character and maintain the separate identities of towns and villages. Sileby Neighbourhood Plan Policy G2 requires new development to enhance and reinforce the local distinctiveness and character of the area in which it is situated. These impacts are considered later in the report.

The Sileby Neighbourhood Plan sets out defined Limits to Development for the settlement. Paragraph 30 of the NPPF states '*Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently*'.

Land outside these limits is treated as open countryside by Sileby Neighbourhood Plan Policy G1, which states that development will be carefully controlled in line with local and national strategic planning policies. Saved policy ST/2 of the Local Plan restricts development outside of the defined boundary limits to development and within the countryside. Whilst policy ST/2 remains as a saved policy, the weight that can be given is limited in this instance as the limits to development have been breached on multiple occasions by various permissions within Sileby. The limits to development in Policy G1 of the Sileby Neighbourhood Plan take precedence over policy ST/2 of the Local Plan 2004 and NPPF paragraph 30 applies in this instance.

The limits to development in Policy G1 of the adopted Sileby Neighbourhood Plan are more up to date than the saved Local Plan. They incorporate the adjoining site known as Ratcliffe Gardens (Peashill Farm Phase 1) to the north that benefits from planning permission and is currently under construction for 201 dwellings and conversion of farmstead/erection of buildings for commercial uses. The Sileby Neighbourhood Plan limits to development boundary also coincides with the emerging Local Plan Policies Map boundary for Sileby (emerging policy DS1 – Development Strategy).

The proposed development would not meet any of the specific exceptions or conflict with principles as set out in Policy CT/1 of Charnwood Core Strategy and Policy G1 of Sileby Neighbourhood Plan. Concerns have been raised in relation to development within open countryside and disproportionate level of housing growth for Sileby, as a number of housing developments have been permitted around Sileby beyond the Limits to Development in recent years. It is recognised that over 4,600 homes have been committed in Service Centres already between 2011-2022, with over 1,100 homes in Sileby itself. The proposal to provide a further 175 homes within open countryside adjoining Sileby would add to the already high level of housing commitments in this Service Centre. However, members will want to reflect on the recent appeal decision for Land East of Cossington Road, Sileby (Application ref: P/21/0491/2), where the Inspector was clear that:

‘The target in the policy is not a ceiling and there is no evidence to suggest that simply going beyond the stated figure is unacceptable. Sileby performs well in terms of services and facilities compared to other Service Centres according to the Settlement Hierarchy Assessment. Additional housing allocations for the settlement are proposed in the Emerging Local Plan. The proposed development accords with CCS Policy CS1 insofar as it relates to housing adjoining a Service Centre’. (Appeal Decision APP/X2410/W/21/3287864 paragraph 16)

In this case, the application site is situated within open countryside but adjoins the limits to development boundary as defined by Policy G1 of Sileby Neighbourhood Plan and therefore the development adjoins a Service Centre for the purposes of interpreting policy CS1.

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 sufficient committed developments in Service Centres between 2011 and 2028, it is therefore expected only to see small scale windfall developments within the settlement boundaries (paragraph 4.45). 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 (paragraph 4.46).

Given the current lack of a 5-year supply of housing land (which stands out 3.04 years), the age of policies CT/1 and ST/2 the weight that can be ascribed to them would be reduced. The proposal would not harm the overall strategy as set within policy CS1 as it would result in provision of 175 new dwellings in a sustainable location at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. This is a significant benefit of the development. In these circumstances, the presumption in favour of sustainable development (NPPF paragraph 11 dii) applies and requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the NPPF taken as a whole. The identified conflict with the Development Plan will be

considered within the overall planning balance for the proposal at the end of this report and weighed against the benefits.

As Paragraph 11 d of the NPPF is engaged and there is a made neighbourhood plan, consideration has also been given as to whether the provisions of paragraph 14 apply. This paragraph can afford greater control over development where there are adverse impacts arising and there is a made neighbourhood plan in place, provided all of the criteria of the paragraph are met. However, in this instance the neighbourhood plan is over 2 years old and this provision is not engaged.

The emerging Sileby Neighbourhood Plan is a material consideration. It has been submitted for Examination and the Pre-Examination consultation ended on 9 September 2022. Policy G1 of the submission version (July 2022) states that '*Development proposal within the Neighbourhood Plan area will be supported on sites within the settlement boundary*' and '*land outside the defined Limits to Development will be treated as open countryside...will be carefully controlled in line with local and national strategic planning policies*'. The application site remains outside of the defined boundary limits to development and within the countryside. The limits to development for settlement boundary or wording to policy G1 of Sileby Neighbourhood Plan have not changed from the existing made plan. As there has been representation submitted during the Pre-Examination consultation on the neighbourhood plan, the emerging Sileby Neighbourhood Plan can only be afforded limited weight in the assessment of this application.

Housing Mix

Policy CS3 (Affordable Housing) of Core Strategy 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 175 units should be affordable homes to meet local needs in Sileby. Similarly, paragraph 63 of the NPPF also allows for affordable housing contribution on major development sites of 10 or dwellings.

The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed. Policy H3 (Housing Mix) of Sileby NP requires new housing development proposals should provide a mix of house types and sizes to reflect local needs. Policy H4 (Affordable Housing) of Sileby NP is consistent with Policy CS3 and requires 30% of new housing development to be allocated for affordable housing. These policies generally accord with the NPPF and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

The proposal is in outline and includes an undertaking to provide 52 affordable homes (30%). The tenure mix proposed is 66% for affordable rent and/or social rent and 24% shared ownership as required by the Supplementary Planning Document. The size, type, and design of these are not currently known and will be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size of units required at outline stage and the tenure for affordable housing be secured through s106 legal agreement.

The Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

| Affordable social/affordable rented | |
|--|-----|
| 1 bed | 35% |
| 2 bed | 35% |
| 3 bed | 25% |
| 4+ bed | 5% |
| Affordable home ownership | |
| 1 bed | 20% |
| 2 bed | 40% |
| 3 bed | 30% |
| 4+ bed | 10% |
| Market | |
| 1 bed | 5% |
| 2 bed | 30% |
| 3 bed | 45% |
| 4+ bed | 20% |

It is considered that a size, mix and profile to reflect this could be accommodated on site, which would satisfy local needs and comply with CS3 of Core Strategy and H3 and H4 of Sileby Neighbourhood Plan could be achieved.

The provision of 52 affordable units is also a significant benefit of the scheme which should be given positive weight within the planning balance.

Landscape and Visual Impact

Policies CS2 and CS11 of Charnwood Core Strategy, policy EV/1 of Local Plan and Policy G2 (Design) of Sileby Neighbourhood Plan are concerned with protecting the landscape and ensuring new development does not result in visual harm. Policy ENV7 of Sileby Neighbourhood Plan seeks to protect local views with appropriate mitigation from a number of locations. 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 application is supported by a Landscape and Visual Impact Assessment and concludes that the limited extent of adverse effect on both landscape and visual receptors together with retention and enhancement of green infrastructure and provision of public open space within the proposal would result in the development being acceptable in both landscape and visual terms.

Landscape character

The application site is located within National Character Area 74: Leicestershire and Nottinghamshire Wolds and 69: Trent Valley Washlands and Local Character Assessment Soar Valley. The site is located within The Soar Valley Landscape Character Area at local level, where distinct features include elongated flood plains, pasture on floodplains, arable on upper valley sides, major engineering features include raised landscape embankments of A6/railway/pylons, small to medium sized fields, sparse woodland etc. 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 (Borough of Charnwood Landscape Character Assessment July 2012).

The CBC Landscape Officer has reviewed the Landscape and Visual Impact Assessment and explains that the Landscape Sensitivity Assessment of SHLAA Sites (LUC, March 2019) assessed the site (PSH 346) and noted that development on the rising valley sides would be “*prominent in localised views*”. It evaluated the overall assessment to 2-3 storey development to have low sensitivity. The proposal site was clearly agricultural and influenced by the wider agricultural setting and the proposed development of the site “*would result in a hard edge with the adjoining landscape due to the availability of panoramic views*”. However, planning permission has been implemented for Ratcliffe Garden (phase 1, Peashill Farm) and this has brought forward the effective edge of the settlement into a close abutting relationship and the proposed development would be just forward of this recent development. The review concludes the land is of medium sensitivity. There are no specific landscape designations for the site. The site is situated within open countryside and not allocated in the emerging Local Plan and was not re-assessed for the Landscape Sensitivity Assessment undertaken by LUC in 2021.

The CBC Landscape Officer also confirms that the site is part of the rural setting for Sileby and Charnwood Forest uplands, as experienced from high ground to the south and southeast. There are changes to ground levels, the site slopes in a northwest to southeast axis towards its south/southeast boundary. The sensitive aspects of the site are the existing trees and hedgerows and the elevated slopes. From the Public Right of Way and other vantages such as Leicestershire Round, the Charnwood Forest uplands form a backdrop to the existing settlement.

It is acknowledged there would be some harm to the landscape character through residential development on undeveloped agricultural land, which would constitute a major alteration to the character of the site. However, the CBC Landscape Officer has confirmed that the landscape effect is capable of mitigation. The indicative masterplan suggests that there would be good enhancement of the southern hedgerow and generous tree belt planting as a green corridor and tree planting to streets as design mitigation that would assist in integrating the site into the surrounding landscape. A Tree Planting Design Code has also been submitted for street trees and open space tree planting, which would ensure any reserved matters layout and design achieves the desired outcome in providing sufficient spatial setback, sufficient root volume/street width, high canopy species of trees etc. and help to break up the massing/ built form of the proposed development and maintain overall character. Accordance with this can be secured by planning condition.

The overall development would accord with policies CS2, CS11 and CS12 of the Adopted Core Strategy and the Landscape Character Appraisal (2012), and it is not considered to be significant or demonstrable to justify the refusal of planning permission solely on landscape grounds. Planning conditions requiring a landscaping scheme and landscape and habitat management plans could be imposed to ensure the implementation includes a high canopy tree planting scheme, root volumes etc. to ensure all landscape mitigation measures are secured. An Arboricultural method statement condition could also be imposed to ensure the trees and hedgerows, that form the existing boundary treatments, are retained and protected. It is confirmed that all the landscape areas and public open space features will be managed and maintained through the implementation of a comprehensive Landscape Management Plan (LMP), to ensure the successful establishment of the landscape proposals.

Visual impact

The Landscape & Visual Assessment addresses visual impacts from several key viewpoints including: Blackberry Lane, Ratcliffe Road, residential properties, Public Right of Ways (PRoWs) and the surrounding area.

In terms of PRoW's on south-east, south and south-west, Viewpoints 2 (Ratcliffe Road/ Blackberry Lane junction), 3 (Blackberry Lane/ Leicestershire Round), 4 (Blackberry Road/Leicestershire Round), 5 (Ratcliffe Road/ Rosminian Way junction), 6 (Leicestershire Round) and 10 (Cossington Road towards Leicester-Loughborough rail line), the Landscape & Visual Assessment confirms that there would be no significant effect on visual amenity due to screening, topography, mature landscape features etc. The assessment considers that the worst-case effect from viewpoints 2, 3, 5 & 6 would be moderate-minor and nil effect on visual amenity for viewpoints 4 and 10 due to inherent screening.

CBC Landscape Officer highlighted that the roof ridges may impinge on the direct visual link to Charnwood Forest interfering with the visual appreciation of the setting based on 2.5 storey dwellings recently constructed to the northwest of the site (Viewpoint 2 & 5). Viewpoint 5 shows the site is overlooked from Blackberry Lane/Leicestershire Round, the distance views of Charnwood Forest would be sensitive to change in the mid-ground through the new development and would also be seen in the context of recent development (Ratcliffe Gardens, phase 1 Peashill Farm).

For viewpoints 7 & 9, CBC Landscape Officer notes that the established urban built areas are blended into the scene by partial occlusion of trees and woodlands but this has changed by recent development (phase 1, Peashill Farm). The proposed development would be situated just forward of the ongoing development (phase 1 Peashill Farm) to the edge of Sileby.

The assessment has also taken into account heritage assets such as the locally listed Cemetery/ Chapel building, which is assessed in the appropriate section below.

CBC Landscape Officer concludes the general approach illustrated in the masterplan suggests the future canopy cover to screen and blend the scheme into existing views as form of mitigation. However, to achieve the desired outcome, the size of trees to the southern landscape area needs to cater for large high canopy species with existing hedgerows enhanced as well as primary routes of the street hierarchy spatially capable to accommodate medium sized high canopy species. She recommends a robust landscape planning condition is imposed to ensure the implementation of a landscape planting scheme, to include a high canopy strategic tree planting scheme, to ensure all landscape mitigation measures are secured. Furthermore a planning condition should be imposed to ensure the hedgerows that form the existing boundary treatments are also retained. With these measures the proposal could accord with policies CS2, EV/1 and CT/2 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 which uses materials appropriate to the locality. Policy G2 of the Sileby 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 NPPF and National Design Guide 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, with access only to be considered, the approval of the design and layout is not currently sought. However, an indicative layout plan indicates that the site can accommodate 175 dwellings with access, open space, play area, attenuation basin etc. and design principles are also set out within the Design and Access Statement and Tree Planting Design Code. The masterplan also shows new cycle/pedestrian connectivity between the application site to Ratcliffe Garden (phase 1 Peashill Farm) and main Ratcliffe Road.

The proposal is in outline form and net developable area is only indicative. The total site area is 7.97ha and the developable area on site covers an area of 4.84ha providing up to 175 dwellings would achieve a density of 36 dwellings per hectare. It is considered that the density is acceptable.

If the application were to be considered acceptable on balance, a planning condition would be imposed securing specific design and layout details to be agreed at the reserved matters stage to secure compliance with the design aspirations of the relevant national and local policies and any Supplementary Planning Documents. Consequently, it is considered a proposal that complied with NPPF, National Design Guide, policies CS2, CS11 and CS13 of Charnwood Core Strategy, EV/1 of Local Plan, Charnwood Design SPD and policy G2 of Sileby Neighbourhood Plan could be achieved.

Impact on Trees

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. Policies G2 and ENV8 of the Neighbourhood Plan seeks to retain and enhance biodiversity by preserving as far as possible existing trees, hedges and wildlife habitats. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing.

The Arboricultural Impact Assessment states there are a total of 20 no. individual trees, 6 no. group of trees and 6 no. hedgerows across the total site. There are 13 no. category B, 17 no. category C and 2 no. category U, which are unsuitable for retention. The proposal would see the removal of 2 no. category U trees, one category C tree, one category C hedgerow and the partial removal of another category C hedgerow. It then highlights mitigation through appropriate replacement planting. Supporting statements also confirm that the proposed paths are considered to be low impact and would require low grade no-dig construction. The proposal is in outline form and CBC Tree and Landscape Officer has raised concerns about the removal of two trees and part of a hedgerow, which form part of natural landscaping that could be retained during construction. This issue would need to be re-visited as part of the consideration of a reserved matters application if members were minded to approve the outline application. This control can be exercised through the imposition of an arboricultural method statement planning condition in order to ensure the existing hedges and trees on the site or adjoining it are protected during the course of any construction works.

Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS11 (Landscape and Countryside) and Policy CS2 (High-Quality Design), as well as Sibley Neighbourhood Plan Policies ENV6 (Biodiversity, Hedges and Habitat Connectivity) and ENV8 (Biodiversity Protection in New Development).

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. Policies G2 and ENV6 and ENV8 of the Sibley Neighbourhood Plan seek to encourage the use of integrated nesting and roosting features and safeguard locally significant habitats and species and to create new or enhancement habitats for wildlife.

The application is supported by extended phase 1 ecological appraisal and ecology technical note for updated water vole survey. The site contains arable land bounded by hedgerows and a stream to the eastern boundary. The hedgerows and stream are local priority habitat. The hedgerow boundaries to Peashill Close and Ratcliffe Road are species rich. In terms of protected species, surveys have confirmed the presence or likely presence of populations of breeding birds, foraging/commuting bats and badger foraging within the site, whereas great crested newts are very likely to be absent. The masterplan provides a net loss to biodiversity and appropriate biodiversity offsetting will be required to ensure the development provides no overall net loss to biodiversity. The impacts of the development are proposed to be off-set by native planting, tree planting and attenuation feature creating new habitat. The retained hedge and stream corridors are recommended to be retained and buffered from the development footprint.

The application is in outline form and unable to provide an accurate assessment of net loss from an indicative layout. The CBC Ecologist has confirmed that the proposal's effects on biodiversity will require a Biodiversity Impact Assessment. Ecological mitigation and off-site compensation (if necessary) could be satisfactorily addressed by detailed measures secured as part of detailed reserved matters application and secured and agreed through obligations as part of a S.106 Legal Agreement.

The CBC Ecologist has also recommended several safeguarding conditions to include a Construction Ecological Management Plan, lighting scheme, boundary treatment and landscape scheme.

Consequently, the proposal, subject to the required obligations in the S. 106 Legal Agreement, imposition of planning conditions and detailed design/mitigation at reserved matters application, is considered acceptable and would comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

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 masterplan and green infrastructure strategy within the Design and Access Statement suggests that it would follow principles from previous phase 1 known as Ratcliffe

Gardens and integrate site features such as the watercourse and provide approximately 2ha open space provision on site. There will be areas of green space incorporating water landscaped areas to include SuD's basin, amenity open space and play space provision.

CBC Open Space have raised no objections subject to the open space indicated on the indicative layout plan following good design principles to create a space that is visually attractive and encourages active lifestyles. A planning condition can be imposed to secure on-site open space provision including natural and amenity green space and combined LEAP for children and young persons to ensure that they are secured within design and layout at the reserved matters stages of the planning process. The siting of the children and younger children play space is shown on the indicative plans, however, the final design and layout will need to be agreed at the reserved matters stages of the planning process. There is, however, no on-site provision for allotments and outdoor sport, the shortfall in open space provision could be mitigated against through appropriate off-site contribution as part of S.106 Legal Agreement, which could be secured to be spent on new or improve facilities elsewhere within the area.

The requirement for open space is consistent with CS Policy CS15. The amount of space required is consistent with the findings of the Council's Open Space Assessment and Playing Pitch Strategy. Consequently, the proposal is considered to comply with policy CS15 of the Development Plan.

Impact on Residential Amenity

Policies 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. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.

Existing properties

Objections have been received with concerns raised over the potential loss of privacy and amenity from the development. Other matters of objection from the local residents, Ward Councillors and Jane Hunt MP have been addressed in the relevant section of this report.

To the immediate northwest of the site lies new residential dwellings on Excelsior Way and Ratcliffe Road (part of phase 1 Peashill Farm known as Ratcliffe Gardens). The existing properties are set back behind an access drive/service road from Excelsior Way and there is intervening buffer of landscape amenity/open space area with trees as shown on indicative plans that separate the existing dwellings from the proposed dwellings on the application site. The site boundary to the nearest point of the dwellings on the access drive/service road on Excelsior Way is approximately 30 metres. Whilst the application is in outline and this layout is illustrative, it is considered that a form of development can be achieved in compliance with our design standards without resulting in unacceptable harm to the amenity through loss of privacy or overbearance of these properties.

On the north-eastern boundary and opposite side of Ratcliffe Road, there is adequate separation distance between the site and existing property, as the proposed dwellings are set well back from Ratcliffe Road with existing hedge retained and planting reinforced to include additional trees.

On the western boundary, further south on Excelsior Way, the application site abuts onto large areas of open space and a landscaped area that includes detention basins between proposed dwellings and existing residential dwellings and proposed commercial properties as part of earlier phase 1 for Peashill Farm known as Ratcliffe Gardens, which will ensure amenity is protected and the new development provides a high-quality residential environment.

The adjoining property no. 250, located to the southern boundary of Ratcliffe Road, has a number of habitable side windows that face and overlook onto the application site. The indicative plan shows enhanced woodland planting along the shared boundary to the site. The separation distance between existing and any proposed dwelling would need to comply with relevant development plan policies and guidance for residential properties in the Design SPD. These matters can form part of design, appearance and layout for a Reserved Matters planning application.

The development would be visible from the existing housing occupiers to Ratcliffe Gardens (Phase 1 Peashill Farm). Concerns have been raised by neighbours in relation to loss of view, which is not a material planning consideration. It is also concluded that whilst these residents would see the proposed development, there are no specific concerns in relation to privacy or overbearing impacts.

Future occupants

As the application is in outline only, no detailed assessment is made of the potential future living conditions for occupants of the proposed dwellings and this would be a consideration in the assessment of a future reserved matters application. Whilst only indicative plans are submitted at this stage, it is considered that they are sufficient to demonstrate that a suitably designed scheme could be provided, which complies with the provisions of the Charnwood Core Strategy, Local Development Plan, Design SPD, NPPF and National Design Guide in this regard.

Concerns have been raised by neighbours in relation to the LEAP play area on noise grounds. As part of reserved matters application, it will be necessary to ensure the position of any LEAP play areas are sufficiently distant from existing and proposed dwellings to prevent undue noise disturbance. It is worthwhile noting that the indicative plans for the LEAP play area shows separation distance of over 70m from existing dwellings with intervening SuDS detention basins/open on Excelsior Way. However, it is considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of amenity occurs to existing and future residential occupiers.

Concerns have been raised by neighbours in relation to noise and disturbance from increased traffic, working outside permitted hours etc. CBC Environmental Health and LCC Highways have raised no objections subject to imposition of a condition for a construction method statement to minimise the potential for disturbance to the occupiers of neighbouring properties in terms of noise and dust during construction.

The proposal could, therefore, following careful design and layout at reserved matters stage, comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity.

Heritage Assets & Archaeology

Planning policy CS14 (Heritage) seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

An Archaeological and Heritage Assessment has been submitted as part of supporting document towards this application. There are a number of listed buildings considered as having the potential to be affected by the proposals; are all Grade II listed (with exception of locally listed Cemetery/Chapel Building) within 1km from the application site, including:

- a War Memorial to the north-west (960m away);
- Ratcliffe College to the east (930m);
- Free Trade Inn Public House; and
- 35 and 37 Cossington Road to the west (ranging from 950 to 970m away).

Sileby Conservation Area and Public House (listed building) are also located over approximately 930m and 950m respectively from the application site. Due to the distance, topography, intervening vegetation, and existing built form, which form a physical and visual buffer between these listed assets and Conservation Area and the application site, it is considered that the site forms part of their setting or does not contribute to or harm their significance or setting

The locally listed cemetery/Chapel Building is located approximately 400m northwest of the site and can be viewed from the higher ground to its southeast, the site can be considered as forming part of its setting. The impact of locally listed Sileby Chapel building with the cemetery (non-designated heritage asset) was previously considered acceptable as part of approved/implemented planning consent known as Ratcliffe Gardens (phase I Peashill Farm), which amongst others included provision for the expansion of the cemetery to provide additional burial spaces and built form set back with open space etc. to mitigate impact on the non-designated heritage asset. The ongoing development leading to completion of the consented/implemented residential development would form a physical and visual buffer between the application site and locally listed Sileby Chapel building. The War Memorial is situated approximately 960m away within Sileby Memorial Park, which is surrounded by residential built form, which forms visual and physical buffer between it and the application site. It is considered that the proposed development site is not considered

to contribute to or harm its significance or setting of this locally listed building. CBC Conservation and Design have raised no objection to the proposal.

With regards to archaeological remains, the Archaeological and Heritage Assessment concludes that the remains of ridge and furrow cultivation dating to the medieval or post-medieval periods may be present as buried features across the site and should these features survive, they may be of negligible value. However, the assessment concludes that further archaeology investigation condition can be reasonably secured as part of any approval. The site is also identified as having a low potential to contain remains from any other period. CBC Conservation & Design have raised no objection to the proposal subject to imposition a further archaeological investigation planning condition.

Consequently, the application therefore accords with policy CS14 of the adopted Core Strategy and the requirements contained in the NPPF, which also seeks to protect the setting of historic assets.

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.

Concerns have been raised by neighbours, Parish Council and Councillors in relation parking, traffic congestion, access etc. There have been a number of supporting documents submitted during the course of planning application to include Transport Assessment, Technical Notes to include Stage 1 Road Safety Audit, etc. The Highway Authority have raised no objections to the proposed development and the comments received are set out below:

Site Access

The main access to the site would be provided via Ratcliffe Road roundabout that leads to a central spine road known as Excelsior Way. The proposed vehicular access to the application site would be formed by a priority T-junction from the spine road (Excelsior Way), approximately 130m from the Ratcliffe Road roundabout junction. The proposed access road to the application site would have a width of 5.5m with 2m wide footpaths, which is consistent with the consented and constructed spine road (Excelsior Way) for Ratcliffe Gardens (phase 1 Peashill Farm). The corner radii is 6m, which is in accordance with Leicestershire Highways Design Guide (LHDG).

Further Technical Note with updated plans to include swept path analysis have been provided and LCC Local Highway Authority are satisfied that a refuse vehicle can access and egress in a satisfactory manner. A Stage 1 Road Safety Audit has been undertaken and Designer's response were provided with a recommendation to provide suitable pedestrian crossing facilities at site access at the junction with Excelsior Way at detailed design stage. The LCC Local Highway Authority are satisfied that a safe and suitable access

can be achieved at the site subject to imposition of a condition to ensure access arrangements are implemented accordance with approved details with appropriate visibility splays provided in perpetuity.

Pedestrian/ cycle access

A pedestrian and cycle access are proposed from Excelsior Way (central spine road) and Ratcliffe Road, approximately 85m from the Ratcliffe Road junction. Since the initial submission, emergency access from Ratcliffe Road has been omitted and LHA are content that the largest emergency vehicles can access/egress the site from roundabout junction leading onto Excelsior Way (central spine road). Further information was also provided at the request of the Highways Authority to consider routing of cyclists between the proposed development and local amenities. A masterplan and supporting information for the wider site shows two routes that cyclists are likely to travel towards Sileby Village Centre towards west of the site. Access is available from Ratcliffe Road roundabout and emergency, pedestrian and cycle access onto Ratcliffe Road (opposite Claire Court). A planning condition would be imposed to secure details for pedestrian and cyclist linkages between the application site, previous phase 1 for Peashill Farm and Ratcliffe Road to ensure that sustainable modes of transport are promoted and form part of any future reserved matters application.

Highway Safety

The Transport Assessment contains an assessment of personal injury collision data covering a period of over 5 years and for consistency, similar study area was used as per consented/ partly constructed phase 1 Peashill Farm (Outline ref: P/17/1578/2). LHA is satisfied that there is no cluster of collisions where a pattern/trend emerges suggesting that there is an ongoing highway safety issue that will be exacerbated by the proposed development.

Trip Generation/ Committed Development/ Junction Capacity Assessment

As part of Technical Notes to Transport Assessment, the growth figures for both AM and PM peaks were also updated to incorporate growth forecasts between 2022 and 2026 for committed developments and LHA considered them to be acceptable.

Considering the traffic impact, the trip rate and trip generation based on the 175 dwellings proposed at Peashill Farm has been calculated to generate 89 two-way trips will occur during the AM peak and 86 two-way trips in the PM peak.

The proposal development to be consistent with the consented phase 1 assessment methodology, the distribution of traffic has been based taken from 2011 Census 'Journey to Work' data and Middle level Super Output Areas. There were five routes to and from the site that were considered by the applicant. Based on the evidence submitted, the Highway Authority advise that the trip rates/generation, distribution and future growth is considered to be satisfactory to test the impact of the proposed development.

The Technical Notes to the Transport Assessment resulted in additional surveys being undertaken, the impact on the highway network investigated at the following locations:

1. *Ratcliffe Road/ Site Access roundabout* - The site access was approved as part previous consent for Peashill Farm (phase I) and the assessment considers a total of 376 dwellings (201 dwellings previous consent) and proposed development (175 dwellings). Transport Assessment demonstrates that the site access roundabout would operate within practical capacity following proposed development. LHA have reviewed the model files and full outputs and are satisfied that the modelling has been undertaken correctly.
2. *Brook Street/ Burton Road/ The Bank/ Albion Road mini-roundabout* - LHA have reviewed the model and confirm that with the new traffic flows, the junction operates within capacity in all scenarios.
3. *Ratcliffe Road/ The Bank/ Swan Street/ Highgate Road* - LHA are satisfied that the junction works within capacity and there is no need for further mitigation.
4. *High Street/ Brook Street/ Cossington Road T-junction* - LHA considered there would be material impact at the junction and mitigation is required in order to improve the operation of the junction in the form of highway improvement scheme to replace priority T-junction with a mini roundabout, which has been modelled and would operate within capacity. LHA have reviewed the mitigation scheme and consider that the proposed mini roundabout improvement scheme operates within the capacity of modelling scenarios. As condition would be attached accordingly.
5. *High Street/ Mountsorrel Lane/ Barrow Lane* - LHA consider that the impact of the proposed development cannot be considered severe and no further assessment or mitigation is considered necessary.
6. *King Street/ High Street/ Little Church Lane/ Barrow Road cross road junction* - LHA are satisfied that the junction works within capacity and there is no need for mitigation.

Internal Layout

The application is outline with only access to be determined at this stage. The internal site layout and matters such as the proposed number of parking spaces would form part of any future planning application for Reserved Matters and is therefore not for consideration as part of this application. Transport Assessment has suggested that the internal road network would be put forward for adoption, the Highway Authority advises that future reserved matters application would require the proposals to be designed in accordance with Leicestershire Highways Design Guide (LHDG) and local parking standards.

Transport Sustainability

Sileby is a Service Centre, when taking into consideration the availability of local services and facilities as well as accessibility to larger locations. Sileby Train station is situated approximately 1km to northwest of application site on King Street. There are also a number of Public Rights of Way (PRoW) within close proximity to the site.

The previous consent implemented for Peashill Farm includes a connecting link through to Ratcliffe Road, close to Ratcliffe Road and Wellbrook Avenue junction. Ratcliffe Road has pedestrian footways on both sides to allow pedestrians to access the village of Sileby. Public transport is available with the closest bus stop situated approximately 1.1km via the Ratcliffe Road access or 900m from using the non-vehicular cyclist and emergency link to be provided by the previous consented development. The bus stop walking distance exceeds the recommended distance of no more than 800m in rural areas as set out within LHDG. The Highway Authority have recommended a condition for a public transport strategy to include details of a bus service along Wellbrook Avenue and Ratcliffe Road together with planning obligations as part of S.106 Legal Agreement for the installation of new bus stops and any associated works on Highgate Road (north of Wellbrook Avenue) and at a suitable location in the vicinity of the pedestrian, cycle and emergency access at Ratcliffe Gardens to promote sustainable modes of transport.

Other requested obligations as part of a S.106 legal Agreement include contributions towards travel packs alongside bus passes for the nearest bus service and enhancement of the bus stops, which operates along Ratcliffe Road.

Consequently, the proposal is considered to comprise a safe and suitable access for the proposed development. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design at reserved matters stage whilst not discouraging suitable modes of transport such as walking and cycling. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. The Highway Authority have recommended several planning conditions to be imposed to include access arrangements, visibility splays and travel plans. Consequently, the proposed development is considered to be in accordance with Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan, which seek to ensure safe access is provided to new development, and policy CS17 is concerned with encouraging sustainable transport patterns.

Land Contamination

Phase 1 Ground Conditions Assessment has been submitted as part of the supporting information and has identified that the risk to on-site and off-site receptors from potential contamination can be generally considered Very Low to Low. It recommends Phase 2 intrusive ground investigation and quantitative risk assessment will be required. CBC Environmental Health have raised no objections subject to imposition of a planning condition for intrusive ground investigation and remediation strategy. Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS2 and CS16 of Charnwood Core Strategy, Policy EV/1 of Local Plan and NPPF.

Impact on flood risk and drainage

Policy CS16 and NPPF direct development away from areas at highest risk of flooding. Concerns have been raised by the MP, Ward Councillors, Parish Council and residents in relation to flooding, surface water and drainage.

The development is situated within Flood Zone 1 and being at low risk of fluvial flooding as identified by the Environment Agency flood maps. However, part of the site is indicated to be at medium or high risk of surface water flooding due to an unnamed ordinary watercourse at the south-eastern boundary. A modelling assessment attached to the Flood Risk

Assessment was provided to assess this risk from surface water. The report concludes that the flood risk from surface water and this watercourse is less than that is shown in the Environment Agency's Risk of Flooding from Surface Water Map. The report recommends mitigation measures to include finished floor levels are proposed to be 150mm above surrounding ground level to mitigate risk of flooding to properties from surface water. This can be secured by planning condition.

Objections have raised concern that surface water will increase existing flooding problems associated with the receiving watercourses. The sites drainage strategy explains that site is split into two sub-catchments, which are proposed to discharge surface water drainage from developed impermeable areas at QBar (13.4l/s and 7.44l/s respectively) into the watercourse in two separate outfall locations. There is also attenuation proposed to achieve this with attenuation basins for both sub-catchments areas. This will ensure that surface water is captured and released in a managed approach, such that it will not add to the watercourse when it is in spate and will not, therefore, exacerbate existing flooding issues.

The Lead Local Flood Authority have raised no objections subject to imposition of pre-commencement planning conditions in relation to detailed surface water drainage scheme, infiltration testing, management and long-term maintenance of surface water drainage system. Environment Agency has confirmed that there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. Consequently, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy and NPPF.

Loss of Best and Most Versatile Agricultural Land

Concerns have been raised by neighbours in relation to the loss of the agricultural land and building in the open countryside. Paragraph 174 of the NPPF seeks to ensure that planning decisions contribute to and enhance the natural environment by amongst other things protecting soil and recognising the benefits of the best and most versatile agricultural land. Footnote 58 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. There is no definition of what is meant by significant in the context of that footnote. Core Strategy Policy CS16 seeks, amongst other things, development that protects environmental resources, including Best Most Versatile Land (BMV). This policy is broadly consistent with the approach of the NPPF, as set out above.

The site is below 20 hectares and considered to fall outside threshold for which Natural England are consulted. The survey has followed the methodology developed by the Ministry of Agriculture, Fisheries and Food (MAFF) for classifying agricultural land by grade according to the extent to which physical or chemical characteristics impose long-term limitations on agricultural use for food production. The MAFF ALC system classifies land into five grades numbered 1 to 5, with grade 3 divided into two subgrades (3a and 3b). The investigations of the soil conclude that the site comprises approximately 2.7ha (33.75%) grade 3a and 5.3ha (66.25%) grade 3b land. A third of the site forms part of the best and most versatile agricultural land. Land in the MAFF S5 site is described as being limited to grade by soil wetness, the lower grade 3b land having a greater soil wetness limitation due to the higher clay content and shallower depth to a slowly permeable subsoil.

The proposal under consideration would involve the loss of agricultural land which falls mostly within grade 3b (outside BMV), with a small area of the site being considered grade

3a. Therefore, a significant proportion of the site would not be considered Best and Most Versatile (BMV) land. This small loss of the best and most versatile agricultural land is a factor that weighs against the proposal; however, this needs to be balanced against the Council's housing land supply position and other material considerations.

Impact on mineral resources

The site is located within a sand and gravel Mineral Safeguarding Area. Policy M11 of the Leicestershire County Council Mineral and Waste Local Plan aims to prevent non-mineral related development from potentially sterilising any mineral present within a Mineral Safeguarding Area.

In support of this application the applicant has submitted a Technical Note - Mineral Safeguarding Consideration. The supporting document concludes that the small area of sand and gravel mineral present beneath the eastern part of the Phase 2 site can reasonably be considered to be of no value or potential future value or extensive volumes of underlying sand and gravel within the application site boundary. LCC Minerals consultation have also confirmed that the available geological information does not suggest that the site itself contains any significant mineral resource.

Consequently, the proposed development would not be in conflict with Policy M11 of the Leicestershire County Council Minerals and Waste Local Plan (2019). Furthermore, it is considered that the proposed development would not be in conflict with the relevant provisions of the National Planning Policy Framework, notably Paragraph 210.

Sustainable construction and energy efficiency

Supporting statements have confirmed that the dwellings would be designed and constructed to achieve the building sustainability benchmark set by Building Regulations and further measures to be determined at reserved matters stage. It has been negotiated and agreed for a planning condition be imposed for electric vehicle charging points to be provided to dwellings within the proposed development. Other measures include sustainable urban drainage system. Consequently, the proposal in the interest of air quality and climate change would comply with policy CS16 of Charnwood Development Plan, policy G2 of Sileby Neighbourhood Plan and NPPF.

Other concerns

Concerns are raised by Ward Councillors that the development would not deliver a health centre as was indicated as part of the original outline permission. The facilities benefit from outline planning permission ref: P/17/1578/2 and reserved matters ref: P/20/0089/2 and their delivery is not affected by this application. The Northwest Leicestershire CCG have been consulted as part of this application and financial contributions as part of S.106 Agreement have been agreed, which can be used to improve existing GP surgeries in the village (The Bank Surgery & Highgate Medical Practice), which is discussed below within the Planning obligation section.

Planning Obligations/ S.106 Agreement

Infrastructure 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:

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| Affordable Housing | <ul style="list-style-type: none"> • 30% of dwellings to be affordable housing with 66% (35 units) social and affordable rent and 34% (17 Units) shared ownership |
| Charnwood Borough Council Open Space | <ul style="list-style-type: none"> • Parks and amenity green space: on site 0.59ha multi-functional green space areas. • Natural and semi-natural green space: on site 0.84ha Defined habitat areas should be identified and created • Combined provision for children & young people: 0.11ha on site • Outdoor sports facilities - off-site contribution of £57,626 for provision and improvements of changing facilities at Sileby Cricket Club or provision and improvements of any other purpose of outdoor sport facilities within the locality of the development • Allotments – off-site contribution of £19,761 |
| Sustainable Transport | <ul style="list-style-type: none"> • Travel Packs -one pack per dwelling at £52.85 per pack • Six month bus passes x2 per dwelling at cost of £470 per pass • STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000 • Installation of a two new bus stops prior to occupation of the 50th dwelling (with raised and dropped kerbs to allow level access) to support modern bus fleets with low floor capabilities and associated infrastructure works including bus stop flags, shelters, raised kerbs, lighting, timetable and real time information. One to be located on Highgate (north of Wellbrook Avenue) and one at a suitable location in the vicinity of the Phase 1 pedestrian/ cycle access with the exact locations to be agreed with the LHA at a cost of £5,400 per stop |
| Biodiversity | <ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. |

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| | <ul style="list-style-type: none"> • To submit an updated Biodiversity Impact Assessment with the reserved matters • To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. • Where the provision of the Biodiversity Net Gain on site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council |
| Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS) | <ul style="list-style-type: none"> • £72,649.50 additional clinical accommodation for 262.5 patients at Highgate Medical Centre and The Banks Surgery. |
| LCC Library Services | <ul style="list-style-type: none"> • £5,298.30 contribution towards the enhancement of Sileby Library |
| LCC Waste management | <ul style="list-style-type: none"> • £9,042 is required to contribute towards waste management at the HWRC at Mountsorrel |
| LCC Education | <ul style="list-style-type: none"> • £133,605.00 towards funding Early Years Education provision, improvement, remodelling or enhancement of education facilities at Highgate Community Primary School or at other schools or other early learning provision within the locality of the development • £963,690.00 towards provision, improvement, remodelling or enhancement of education facilities at Highgate Community Primary School or any other school within the locality of the development • £522,426.10 towards provision, improvement, remodelling or enhancement of education facilities at Humphreys Perkins School or at other schools within the locality of the development • £98,784.76 towards provision, improvement, remodelling or enhancement of education facilities at Ashmount School or any other school within the locality of the development improving capacity at SEN school |

These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policies CS3, CS13, CS15, CS17 and CS24 and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 57 of the NPPF.

Conclusion

As there is currently an insufficient supply of deliverable housing sites (3.04 years), this application is 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. The benefits of such housing provision are afforded significant positive weight.

The development is situated within Sileby, which is Service Centre considered to be a sustainable settlement. The development would provide 175 new units of which 30% (52 units) would be affordable homes, at a time when there is an acute need for these, which is a significant public benefit of the scheme. These would be provided in a 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, biodiversity impact/ mitigation/ net gain and landscape can be secured by way of planning condition, reserved matters and S.106 legal agreement. There would be no harm to heritage assets or archaeology.

Weighed against this is the conflict with Development Plan policies, which set out the spatial strategy for the Borough. Whilst the proposed development would be contrary with the relevant provisions of saved Policy CT/1 of the Borough of Charnwood Local Plan. Policy CS1 is by far the most important policy in the determination of this application as it seeks to encourage new residential development within and adjoining Sileby.

The proposal is located within open countryside and there would be some harm such as loss of small amount of best and versatile agricultural land. Other harm such as landscape character of the area but can be mitigated with conditions to secure amongst other matters for an appropriate layout and landscaping.

The impacts of the proposed development on local infrastructure can either be offset within the application site or otherwise secured via commuted payments to improve facilities in the area.

The proposal is in conflict with the Sileby Neighbourhood Plan; however, its policies are over 2 years old and thus one of the criteria set out in Paragraph 14 is not met, such that conflict with it is not regarded to be, in itself, 'significant and demonstrable' harm.

In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing the required housing land in a sustainable location. The benefits relate to the contribution of the proposal to the Council's housing land supply deficit and deliverability, sustainable location, affordable housing, community and other infrastructure provision, etc. The application should therefore be supported subject to appropriate conditions being attached and contributions being secured to support local infrastructure as part of S.106 Legal 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:

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| Affordable Housing | <ul style="list-style-type: none"> • 30% of dwellings to be affordable housing with 66% (35 units) social and affordable rent and 34% (17 Units) shared ownership |
| Charnwood Borough Council Open Space | <ul style="list-style-type: none"> • Parks and amenity green space: on site 0.59ha multi-functional green space areas. • Natural and semi-natural green space: on site 0.84ha Defined habitat areas should be identified and created • Combined provision for children & young people: 0.11ha on site • Outdoor sports facilities - off-site contribution of £57,626 for provision and improvements to changing facilities at Sileby Cricket Club or provision and improvements of any other purpose of outdoor sport facilities within the locality of the development • Allotments – off-site contribution of £19,761 |
| Sustainable Transport | <ul style="list-style-type: none"> • Travel Packs -one pack per dwelling at £52.85 per pack • Six month bus passes x2 per dwelling at cost of £470 per pass • STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000 • Installation of a two new bus stops prior to occupation of the 50th dwelling (with raised and dropped kerbs to allow level access) to support modern bus fleets with low floor capabilities and associated works to include bus stop flags, shelters, raised kerbs, lighting, timetable and real time information. One to be located on Highgate (north of Wellbrook Avenue) and one at a suitable location in the vicinity of the Phase 1 pedestrian/ cycle access with the exact locations to be agreed with the LHA at a cost of £5,400 per stop |
| Biodiversity | <ul style="list-style-type: none"> • To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application. • To submit a updated Biodiversity Impact Assessment |

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| | <ul style="list-style-type: none"> • To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. • Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council |
| Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS) | <ul style="list-style-type: none"> • £72,649.50 additional clinical accommodation for 262.5 patients at Highgate Medical Centre and The Banks Surgery. |
| LCC Library Services | <ul style="list-style-type: none"> • £5,298.30 contribution towards the enhancement of Sileby Library |
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| LCC Education | <ul style="list-style-type: none"> • £133,605.00 towards funding Early Years Education provision, improvement, remodelling or enhancement of education facilities at Highgate Community Primary School or at other schools or other early learning provision within the locality of the development • £963,690.00 towards provision, improvement, remodelling or enhancement of education facilities at Highgate Community Primary School or any other school within the locality of the development • £522,426.10 towards provision, improvement, remodelling or enhancement of education facilities at Humphreys Perkins School or at other schools within the locality of the development • £98,784.76 towards provision, improvement, remodelling or enhancement of education facilities at Ashmount School or any other school within the locality of the development improving capacity at SEN school |

RECOMMENDATION B:

That subject to the completion of the S106 agreement in recommendation A above, grant Conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Regeneration, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions.

| Conditions | |
|-------------------|---|
| 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: In order 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 and details:</p> <ul style="list-style-type: none"> • edp4729_d028f (Illustrative Masterplan) date 15 September 2021 • Tree Planting Design Code – August 2022 • 32210055-5513-001 Rev. A (Access from Phase 1 Spine Road) <p>REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPD and the NPPF.</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>Notwithstanding the submitted details, prior to any part of the development reaching Damp Proof Course level or above, details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development shall be submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.</p> <p>REASON: In order to secure the satisfactory development of the application site in accordance with CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV1 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p> |
| 5. | <p>The details submitted pursuant to condition 3 above shall include full details of existing and proposed ground levels and finished floor levels shall show all buildings raised a minimum of 150mm above adjacent 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 of Charnwood Core Strategy (2011-2028) and EV/1 of Local Plan (2004) and NPPF.</p> |
| 6. | <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"> An 0.59ha on-site multi-function green space An 0.84ha on-site natural and semi open space An 0.11ha on-site LEAP facility |

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| | <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 NPPF.</p> |
| 7. | <p>The landscaping details submitted pursuant to condition 3 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 enhancement of hedgerow and high canopy tree species within the southern landscaped/tree buffer of the site and four street hierarchy typologies as per Tree Planting Design Code; iii. Specifications, where applicable for the following: <ul style="list-style-type: none"> • Permeable paving; • Tree pit design - indicating root available soil volumes and matched to species demands at mature size; • Sustainable urban drainage integration; • Surfacing within tree Root Protection Areas (RPAs) • Utilities iv. finished levels or contours within any landscaped areas; v. any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. vi. functional services above and below ground within landscaped areas; and vii. all existing trees, hedges and other landscape features, indicating clearly any to be removed. <p>Any trees or shrubs which, within 5 years from the completion of the development, die, are removed, or become severely damaged or seriously diseased, shall be replaced in the next planting season by others of similar size and species to those originally required to be planted. All boundary treatments shall be retained in the approved form.</p> <p>REASON: In order to secure the satisfactory development of the application site and to landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and CS13 of Charnwood Local Plan and the NPPF.</p> |
| 8. | <p>A landscape and habitat management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.</p> <p>REASON: To protect the landscape character and amenity of the development site over the long term in accordance with Policies CS2, CS11, CS13, CS15 and CS16 and the National Planning Policy Framework.</p> |
| | <p>No development shall take place until full details of the tree protection measures for all trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed site specific</p> |

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| 9. | <p>Arboricultural Method Statement and a tree protection plan to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Design, Demolition and Construction 5837 (2012 and any subsequent edition), and the monitoring of tree protection measures during construction. The development shall be undertaken and maintained in accordance with the approved details.</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to secure the satisfactory development of the application site in accordance and enhance the nature conservation interest of the site and achieve biodiversity net gain in accordance with policy CS11 and CS13 of Charnwood Development Plan (2011-2028), Design SPG and the NPPF.</p> |
| 10. | <p>The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.</p> <p>REASON: to secure the satisfactory development of the application site and to safeguard the nature conservation value of the site in accordance with Policy CS2, CS11 and CS13 of Charnwood Local Plan (2011-2028), policy EV/1 of Local Plan (2004), Design SPD and the NPPF and the NPPF.</p> |
| 11. | <p>The details submitted in pursuant of condition 3 shall include full details of the proposed boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the dwelling (s) hereby permitted and shall be retained thereafter.</p> <p>REASON: to secure the satisfactory development of the application site in accordance with Policy CS2 of Charnwood Local Plan (2011-2028), policy EV/1 of Local Plan (2004), Design SPD and the NPPF.</p> |
| | <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> • Risk assessment of potentially damaging construction activities |

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| <p>12.</p> | <ul style="list-style-type: none"> • Identification of “biodiversity protection zones • Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) • The location and timing of sensitive works to avoid harm to biodiversity features • The times during construction when specialist ecologists need to be present on-site to oversee works. • Responsible persons and lines of communication • The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person • Use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in the interests of nature conservation and safeguard any protected species present on the site in accordance with policy CS13 of Charnwood Core Strategy (2011-2028) and NPPF.</p> |
| <p>13.</p> | <p>No development shall commence on the site until a construction and traffic management plan and method statement is submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for details of the following:</p> <ul style="list-style-type: none"> • Routing of construction traffic • Parking of vehicles of site operatives and visitors • Loading and unloading of plant and materials • Storage of oils, fuels, chemicals, plant and materials used in constructing the development • Erection and maintenance of security hoarding, • Wheel-wash washing facilities and road-cleaning arrangements • Measures to control the emission of dust and dirt during construction • Use of water suppression • Hours of work on site, including deliveries and removal of materials • Location of temporary buildings and associated generators, compounds, structures and enclosures, • Timetable for their provision <p>The construction of the development shall thereafter be carried out in accordance with the approved details and timetable and shall be adhered to throughout the construction period.</p> <p>REASON: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in</p> |

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| | <p>order to safeguard the amenities of occupiers of premises/dwellings in the vicinity and 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 in accordance with policy CS2, CS11 and CS13 of Charnwood Core Strategy (2011-2028), policy EV/1, TR/4 and TR/18 of Local Plan (2004) and NPPF.</p> |
| 14. | <p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing 32210055-5513-001 Rev. A have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</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, 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> |
| 15. | <p>No part of the development hereby permitted shall be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.</p> <p>REASON: In the interests of pedestrian safety in accordance with policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF the National Planning Policy Framework (2021).</p> |
| 16. | <p>No part of the development hereby permitted shall be first occupied until an amended 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 policy CS2 and CS17 of Charnwood Core Strategy (2011-2028), Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF the National Planning Policy Framework (2021).</p> |
| 17. | <p>No part of the development shall be occupied until such time as the highway improvement mitigation scheme shown on Brook Street - Cossington Road - High Street Mini Roundabout Mitigation drawing number 332010578-550-001 have been implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with CS2 and CS17 of Charnwood Core Strategy</p> |

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| | (2011-2028), Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004) and the NPPF the National Planning Policy Framework (2021). |
| 18. | <p>No part of the development hereby permitted shall be first occupied until a Public Transport Strategy has been submitted to and agreed in writing by the Local Planning Authority. Public Transport Strategy should include details of bus service along Wellbrook Avenue and Ratcliffe Road unless otherwise agreed in writing by the Local Planning Authority and shall be in operation prior to the occupation of the 50th dwelling. The Strategy shall also include details for the delivery of two new bus stops and infrastructure works including bus stop flags, shelters, raised kerbs, lighting, timetable and real time information.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable transport choices in accordance with policy CS2, Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p> |
| 19. | <p>The layout details submitted pursuant to condition 3 shall include new cycle/ pedestrian links between the application site to phase 1 Peashill Farm (Ratcliffe Gardens) and Ratcliffe Road as shown on Drawing no. edp4729_d037c (Phase II Masterplan with Wider Context). Prior to first occupation of the development hereby approved, full details of the new pedestrian and cycle links shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of when new cycle/ pedestrian link shall be delivered. Thereafter works shall be completed and carried out in accordance with the approved details and maintained thereafter unless agreed in writing with the Local Planning Authority.</p> <p>REASON: to secure the satisfactory development of the application site and to promote more sustainable transport choices in accordance with policy CS2, Saved Policies TR/4 and TR/18 of Charnwood Local Plan (2004), Design SPG and the NPPF.</p> |
| 20. | <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 shall thereafter be carried out in accordance with these approved details and completed prior to first occupation of the development.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy CS2 and CS16 of the Core Strategy 2011-2028 Core Strategy (2015) and the National Planning Policy Framework.</p> |
| 21. | <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 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 though the entire development construction phase in accordance with policy CS16 of the Core Strategy and the NPPF</p> |

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| 22. | <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. 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 in accordance with policy CS16 of the Core Strategy and the National Planning Policy Framework.</p> |
| 23. | <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 in accordance with policy CS16 of the Core Strategy and the National Planning Policy Framework.</p> |
| 24. | <p>No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:</p> <ul style="list-style-type: none"> (i) details of previous land uses; (ii) a site investigation survey of the extent, scale and nature of contamination; (iii) an assessment of the potential risks to: <ul style="list-style-type: none"> • human health, • property, • adjoining land, • groundwaters and surface waters, • ecological systems and archaeological sites and ancient monuments. <p>B. Submission of Remediation Scheme Where contaminated is found which poses unacceptable risks, as determined by the local planning authority in its response to (A), no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The scheme shall include:</p> <ul style="list-style-type: none"> (i) an options appraisal and remediation strategy; (ii) remediation objectives and remediation criteria; (iii) remediation works to be undertaken; (iv) a verification scheme providing details of the data that will be collected in order to demonstrate that the works set out in (iii) have been completed and identifying any requirements for longer-term monitoring of pollutant linkages, |

maintenance and arrangements for contingency action. The scheme should be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

C. Implementation of Approved Remediation Scheme Where a detailed remediation scheme has been required and approved under (B), no occupation of any part of the permitted development which has been identified in the scheme as being subject to contamination shall take place until the approved scheme has been implemented and the verification report, including the results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met, has been submitted to and approved in writing by the local planning authority. The report shall, if required by the local planning authority, also include a reassessment of the long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The long-term monitoring and maintenance proposals shall be implemented as finally approved.

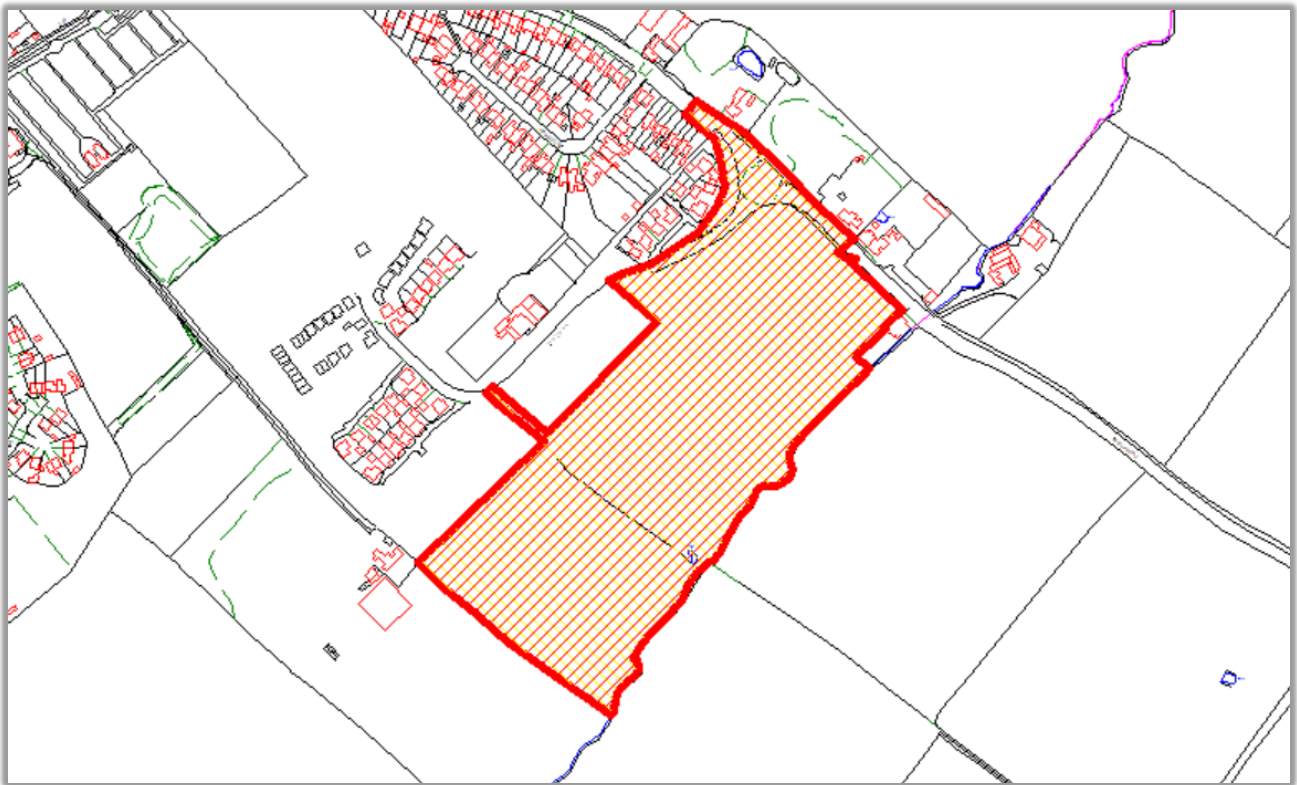
D. Reporting of Unexpected Contamination If, during development, contamination not previously identified is found to be present at the site:

- (i) it shall be reported to the local planning authority within 1 working day;
- (ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with;
- (iii) the remediation strategy shall be implemented as approved
- (iv) no occupation of any part of the permitted development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until: a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority; b. if required by the local planning authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.
- (v) the long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, ecological systems and heritage assets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and others offsite receptors, in accordance with policy CS2 of Charnwood Local Plan (2011-2028) and NPPF.

The layout details submitted pursuant to condition 3 shall include full details of the electric charging points showing their proposed locations, type and specifications for each of the dwellings or shared space shall be submitted to and approved in writing by

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| 25. | <p>the local planning authority. Thereafter works shall be completed and carried out in accordance with the approved details and maintained thereafter unless agreed in writing with the Local Planning Authority.</p> <p>REASON: to ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles in the interest of air quality and help mitigate climate change in accordance with policy CS2 and CS16 of Charnwood Local Plan (2011-2028) and the NPPF.</p> |
| 26. | <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. All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation. <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> |



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Informatives

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| 1 | <p>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, CS17, CS18, CS24, CS25, ST/2, CT/1, CT/2 of Charnwood Core Strategy (2011-2028), EV/1, TR/18 of Local Plan (2004) and M11 of Leicestershire County Council Mineral and Waste Local Plan, 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.</p> |
| 2 | <p>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.</p> |

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| 3 | 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. |
| 4 | For Condition 20 - 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. |
| 5 | For Condition 20 - 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. |
| 6 | For Condition 21 - 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 property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents. |
| 7 | For Condition 22 - 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. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance. |
| 8 | <p>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</p> <p>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.</p> <p>This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.</p> |

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| 9 | <p>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/lhd</p> |
| 10 | <p>To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).</p> |