

Item No. 5a**Application Reference Number:** P/21/1446/2**Application Type:** Full **Date Valid:** 07.07.2021**Applicant:** Spitfire Homes**Proposal:** Erection of 57 dwellings, alterations to existing access, and associated works**Location:** 102 Main Street, Cossington, Leicestershire**Parish:** Cossington **Ward:** Sileby / Wreake Villages**Case Officer:** Mark Pickrell **Tel No:** 07852 720913**1. Background**

1.1 This application was considered at the meeting of Plans Committee on 20th October 2022 and was resolved to be granted subject to a s106 agreement and several conditions:

“RESOLVED that in respect of application P/21/1446/2 (Spitfire Homes, 102 Main Street, Cossington, Leicestershire) planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Growth and the completion of a Section 106 Agreement.”

1.2 The application progressed from the date of that resolution and the required s106 Agreement has been drafted and expected to be completed in February 2024. However, in the interim, on 20th December 2023, a revised version of the NPPF was issued and on 11th January, the Cossington Neighbourhood Plan was formally “made”.

1.3 This report provides an updated assessment of the application and other matters that have taken place since the previous resolution to ensure that the application is determined in accordance with the current material considerations.

1.4 All other matters are contained in the main report (item 1 of the meeting of 20th October 2022, attached as **Appendix 1**, and associated ‘extras’ report attached as **Appendix 2**).

2. Updated Development Plan Policies

2.1 Cossington Neighbourhood Plan

2.2 Since the time of the October 2022 Committee Report, Cossington Parish Council/Community Advisory Committee have completed preparation of a Neighbourhood Plan which was agreed through a referendum in November 2023. Charnwood subsequently confirmed the adoption of the Neighbourhood Plan on 11th January 2024. The Cossington Neighbourhood Plan now forms part of the Development Plan and is an additional material consideration in the determination of this application compared to what was considered by the Plans Committee in October 2022.

2.3 The Cossington Neighbourhood Plan includes the following policies which are relevant to the consideration of this application and are assessed as part of the planning considerations below. The policies relevant to this application include:

- a. Policy H1 – Residential Site Allocation
- b. Policy H2 – Settlement Boundary
- c. Policy H3 – Housing Mix
- d. Policy H4 - Affordable Housing
- e. Policy H5 – Windfall Sites
- f. Policy H6 – Design
- g. Policy ENV5 – Biodiversity and Habitat Connectivity
- h. Policy ENV9 – Important Views
- i. Policy T1 – Transport and Road Safety
- j. Policy T2 – Pedestrian Footpaths, Pavements and Cycleways

3. Updated Material Considerations

3.1 The Emerging Charnwood Local Plan 2021-37

3.2 The original Committee Report (Appendix 1) referred to the Draft Charnwood Local Plan (2019-37) and recognised that the document was first submitted for examination in December 2021 with initial hearing sessions held in June 2022. However, at the time of the Committee Report the hearing sessions were adjourned for further consideration of Leicester’s unmet need and further hearing sessions were yet to be confirmed. As such, limited weight was given to the policies of the emerging Local Plan.

3.3 Since that report, the Inspectors have announced that they will be holding further hearing sessions, to begin on Tuesday 20th February 2024. Limited, focussed discussions will take place over a three day period and will comprise of a re-opening

of Matter 2 (Vision, Objectives, Sustainable Development and the Development Strategy), Matter 7 (Housing Land Supply), Matter 8 (infrastructure and Transport) and Matter 9 (Viability and Monitoring).

- 3.4 Due to the further progress of the emerging Local Plan, and in accordance with the provisions of NPPF paragraph 48, further consideration needs to be given to the weight that can be assigned to the policies contained in the emerging Local Plan with their respective weight defined under paragraph 48 of the NPPF depending on:
- a. the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
 - b. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
 - c. the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 3.5 All policies are at an advanced stage in production, the Local Plan has been submitted and the hearing sessions have concluded for 2023. Further focussed hearing sessions are scheduled for February 2024. All emerging policies are considered to be in accordance with the NPPF. The weight to be given to emerging policies is therefore based upon the extent of unresolved objections during the hearing sessions (in accordance with NPPF paragraph 48).
- 3.6 Despite the progression of the Local Plan, the Inspectors have not revealed adjudication of any of its content, nor should the further Hearings be regarded as indication that the subject policies are ‘weakening’ – the Hearings remain part of the consideration process with adjudication to follow, hopefully in the form of recommended Main Modifications.
- 3.7 National Planning Policy Framework (NPPF) (December 2023)
- 3.8 The Government published a revised version of the NPPF on 20th December 2023. It contained a series of amendments and although most are of limited or no relevance to this application, important amongst them was adjustment to the need to demonstrate a 5 year land supply and as a result the application of the ‘tilted balance’ in favour of sustainable development under NPPF Para 11d.
- 3.9 The revised NPPF states that, in certain circumstances associated with the advancement of a Local Plan, the “tilted balance” would not apply where Local Planning Authorities can demonstrate a 4 year housing land supply (in lieu of 5 years). This change applies with immediate effect, including to applications submitted before the amendments took place.

- 3.10 In light of the revisions to the NPPF released on 20th December 2023 and guidance contained in paragraph 226, along with updates to Planning Practice Guidance published on 5th February, the Council can now demonstrate in excess of a four year housing land supply (4.27 years based on a 4 year supply over a 5 year requirement – 4.49 years if the 5% buffer is not applied). Because the proposal involves the provision of housing, it is necessary to consider whether the policies that are most important to determining the application are considered to be in date and therefore whether paragraph 11d of the NPPF applies for that reason.
- 3.11 Written Ministerial Statement on Affordable Homes Update (24 May 2021)
- 3.12 Since the resolution, the associated s106 has been developed which includes provision for affordable housing. This is on the basis of 20% Affordable Housing for the whole site, comprising Affordable/Social Rent 55% and Shared Ownership 45%.
- 3.13 NPPF paragraph 6 states that the Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contains policy on First Homes is a material consideration and paragraph 65 states that *“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership”*. Within the NPPF Annex 2 Glossary Shared Ownership is recognised as a form of affordable home ownership so this configuration within the s106 meets national policy.
- 3.14 Planning Practice Guidance states that *“A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations”*. This would mean that 3 or 4 of the affordable homes provided on the site should be First Homes (i.e. 25% of total provision of 11). However, The Council’s Housing team has advised that presently there is no identified need for First Homes in Charnwood and no evidence base to support any need. The HENA update June 2022 states in Section 9.38 – ‘The analysis and discussion (above) suggest that there are a number of households likely to fall under the PPG definition of needing affordable home ownership (including First Homes) – i.e. in the gap between renting and buying – but that the potential supply of low-cost housing to buy makes it difficult to fully quantify this need’.
- 3.15 The developer advises that *“whilst happy to provide a policy compliant level of affordable housing as part of the development, and the s106 Agreement reflects that, we would be reluctant to include the provision of First Homes as part of this. Our view is that the needs of those on the Housing Register, and particularly those with needs relating to Cossington, are best served by the Council’s existing Affordable Housing policy requirements”*.

3.16 On this basis it is considered that grounds exist to depart from the published Guidance. Such Guidance is a material consideration but carries only limited weight and it is inconsistent with the Development Plan which doesn't have an explicit requirement for First Homes within it. The absence of provision of First Homes within the s106 is considered to be a minor factor in the overall planning balance and is outweighed by a configuration that is tailored to meet identified local needs.

4 Updated consultation responses

4.1 Charnwood Borough Council – “The situation with First Homes places us in a difficult position – from a Strategic Housing perspective we can only say that government guidance indicates the product should make up 25% of the affordable housing through the development gain...

In the absence of a Charnwood BC policy, we are not empowered to insist on First Homes and would not”.

4.2 NHS – “When the original submission was made the build costs were lower than what they are now, this is an ongoing factor we are having to consider whilst applications go through the council’s process. The current build cost now sits at £4,000.00 per m2 of floorspace whereas the original submission was done at the old costings £2,516 per m2 of floorspace.

Please see below the calculation

Insert Number of Dwelling	57
Number of Patients	137.94
Total funding request	£44,140.80

The number of dwellings (57) x 2.4 (assumed average household) x 0.08 (m2 per patient) x £4000.00 (cost per m2 of floorspace)”.

5 Consideration of the Planning Issues

5.1 The purpose of this update report is to consider any changes to the material considerations which were weighed in the balance at the time of the October 2022 resolution. It does not revisit those considerations that are unchanged.

5.2 The October 2022 Plans Committee report set out that the main planning considerations applicable to this application were considered to be:

- Principle of development
- Housing mix

- Landscape and visual impact
- Impact on Trees
- Design and layout
- Ecology and biodiversity
- Open Space
- Impact on residential amenity
- Land contamination
- Highway matters
- Flooding and drainage
- Planning obligations / S106 contributions

5.3 The following paragraphs provide an update to the Principle of Development, housing mix in relation to first homes and planning obligations / S106 contributions in relation to updated healthcare contributions and consider the weight that can be attributed to emerging Local Plan policy and the made Neighbourhood Plan. Appendices 1 and 2 provide consideration for other matters.

6 Principle of Development

6.1 In light of the revisions to the NPPF released on 20th December 2023 and guidance contained in paragraph 226, further guidance published as part of the Planning Practice Guidance on 5th February, and with advanced stage of preparation of the emerging Local Plan, the Council are now able to demonstrate in excess of a four year housing land supply (4.27 years based on a 4 year supply over a 5 year requirement – 4.49 years if the 5% buffer is not applied)). The Core Strategy and Borough of Charnwood Local Plan are over 5 years old and it is important to take account of changing circumstances affecting the area and relevant changes in national policy (NPPF Dec 2023). On that basis, the ‘tilted balance’ of NPPF paragraph 11d no longer applies for that reason. This is a notable change to the consideration of principles set out in the October 2022 report, which was based upon the ‘tilted balance’ of NPPF paragraph 11 (2021) applying at that time and in the absence of a made Neighbourhood Plan.

6.2 The Cossington Neighbourhood Plan now forms part of the Development Plan, having been ‘made’ in January 2024. It includes provision to address its housing need based on a permission for 130 dwellings (ref. P/20/2393/2) on the site of a draft housing allocation included in emerging Local Plan (HA59) and an allocated residential development site for 12 dwellings at land off Syston Road (Policy H1 of the Neighbourhood Plan). The housing requirement for the parish is 130 dwellings and, based on 124 dwellings provided by the planning permission on land at Derry’s Nursery (P/20/2393/2) and 12 dwellings allocated through the Neighbourhood Plan at land off Syston Road, the Neighbourhood Plan is considered to make adequate provision to meet its housing requirement. However, it should be noted that this is

not a maximum housing requirement. The Cossington Neighbourhood Plan is less than 5 years old and makes provision for its housing requirement.

- 6.3 While the site was assessed on the basis of being in the countryside in relation to the Core Strategy and saved Local Plan policies in October 2022, the Neighbourhood Plan has subsequently been “made” and defines the site as being within the settlement boundary. As the Neighbourhood Plan is the latest plan to be added to the Development Plan, the settlement boundary shown in it takes precedent over the saved policies of the Local Plan and the Core Strategy such that the site is now considered as being within the settlement boundary of an “other settlement”, with the associated policy considerations.
- 6.4 Policy ST/2 of the adopted Local Plan 2004 directs development to allocations and locations within limits to development. This spatial strategy is no longer capable of meeting the Borough’s current housing needs and as such is inconsistent with NPPF Chapter 5, and as such is regarded as out of date, and therefore its weight is reduced to ‘limited’. The proposed development falls within the defined Limits to Development (updated by the Neighbourhood Plan) and as such benefits from this limited weight.
- 6.5 In terms of Planning policies contained in the Core Strategy that relate to the principle of development, Policy CS1 defines a hierarchy of settlements for the Borough. Policy CS1 is concerned primarily with the strategy for the distribution of housing and economic development having regard to its overall environmental impact, with the object of securing a sustainable pattern of development. That is also the purpose of policy DS1 of the emerging Local Plan. However, the strategy of urban concentration focusing on the Principal Urban Area Shepshed and Loughborough with limited dispersal to other settlements (Service Centres and ‘Other Settlements’) is broadly unchanged. That indicates the strategy of CS1 remains up-to-date and can therefore be afforded full weight.
- 6.6 Policies CS1 of the Core Strategy and DS1 of the emerging Local Plan are principally concerned with securing a sustainable pattern of development. The pattern promoted by Policy CS1 is broadly the same as that advanced by policy DS1. Since policy DS1 is up to date and CS1 mirrors its purpose and strategy, it follows that CS1 is also up to date. Policy CS1 ensures that growth is directed to the right places in accordance with the principle of urban concentration and be sustainable, and steer away from less sustainable and unsustainable locations. That accords with the ‘golden thread’ of the Framework. CS1 thus retains its utility and accords with the Framework Policy
- 6.7 CS1 of the Core Strategy allocates at least 500 dwellings to be provided within “other settlements”, including Cossington. CS1 also sets out that the local social and economic need for development in other settlements will be met by *“responding positively to small-scale opportunities within defined limits to development”* and *“responding positively to affordable housing development in accordance with CS3”*. It

is noted that the site is proposed to be designated as countryside in the emerging Local Plan, however, that Plan has not been adopted and is given less weight than the “made” Neighbourhood Plan, which is to be afforded full weight.

- 6.8 Whilst this site is not referenced as contributing to the Parish’s housing supply and is not allocated for housing in Policy H1: Residential Site Allocation of the Neighbourhood Plan, Policy H5: Windfall Sites makes provision for infill development comprising individual dwellings or small groups of dwellings within the settlement boundary, subject to specific criteria being met. Similarly, CS1 supports small scale opportunities within settlement boundaries and supports the provision of affordable housing in other settlements. The proposals are for 57 dwellings and therefore not considered to be within a reasonable interpretation of “individual dwellings”, “small groups” or “small scale” such that the proposals are considered to conflict with Core Strategy Policy CS1 and Policy H5 of the Neighbourhood Plan.
- 6.9 On the basis that these proposals are not small scale then the principle of the development is not considered to be supported by the Development Plan or the Neighbourhood Plan and the resultant conflict with Core Strategy Policy CS1 and Neighbourhood Plan Policy H5. is to be considered in the context that the NPPF seeks to significantly boost the supply of housing.
- 6.10 The emerging Local Plan is in an advanced stage and while not forming part of the Development Plan, it is a material consideration in the determination of applications. The emerging Local Plan designates the site as being in the countryside where development would only be permitted in specific circumstances. While the site would be contrary to the principles of the emerging Local Plan, it is noted that the delivery of the site has been included in the housing trajectory, such that it contributes towards Charnwood’s stated current delivery of 4.27 years housing land supply (when calculated in relation to providing 4 years housing land out of a 5 year housing land supply requirement, 4.49 years if the 5% buffer is not applied) and would also be taken into account as part of Charnwood’s ability to demonstrate a 5 year housing land supply should the emerging Local Plan be adopted. This is a relevant material consideration that must be considered in the determination of this application and in the context that the NPPF seeks to significantly boost the supply of housing.
- 6.11 In summary, when compared to the assessment which informed the resolution in October 2022, the proposals are now considered to be in the settlement boundary of an “other settlement” where the principle of development to provide at least 500 dwellings across all “other settlements” is supported, subject to all other provisions of the Development Plan being satisfied, including the provision of CS1 to “*responding positively to small-scale opportunities*” and “*responding positively to affordable housing*”. The Neighbourhood Plan is the newest part of the Development Plan and stipulates that while development in the settlement boundary is supported, it is expected to be provided on those allocated sites or be windfall, with windfall

stated as “*individual dwellings or small groups*”. These proposals are not considered to present a small scale or small group of dwellings and therefore there is a conflict with Core Strategy Policy CS1 and Policy H5 of the Neighbourhood Plan.

7 Emerging Local Plan policy

7.1 Further to the assessment provided in the October 2022 reports, it is necessary to consider if the increased weight to relevant emerging policies is a material change that would affect the planning balance. The relevant emerging policies are considered below (summary table of Officer opinion – changes to policy weight that may impact the planning balance are highlighted in bold):

Policy	Policy summary	Weight	Assessment if this impacts the planning balance and if conditions are required
DS1 Development Strategy	Supports dev within limits. Cossington is one of the “other settlements”.	Limited	No change to policy weight since Committee decision.
DS2 Leicester and Leics unmet needs	Local Plan review to be triggered by SoCG for apportionment of unmet needs	Limited	The proposal is not impacted by the proposed apportionment of unmet needs to the Borough.
DS3 Housing Allocations	The site is not allocated for development	Limited to moderate	The proposal site is not allocated for housing development.
DS5 High quality design	Requires high quality design	Moderate	Increased weight to the policy but does not impact the planning balance considered in October 2022.
OS1: Other settlements	Supports small scale development within defined Limits to Development	Moderate	The site is not within the defined Limits to Development proposed by the emerging Local Plan. This is matter does not outweigh the point that the site is within the settlement boundary as defined by the Neighbourhood Plan.

C1 countryside	Protect largely undeveloped character	Moderate	The site is defined as countryside.
H1 Housing Mix	Mix to accord with up to date evidence	Limited	No increased weight. This is a full application, and the housing mix has been assessed as part of the October 2022 resolution.
H2 Housing for Older People and People with Disabilities	Dev to meet building reg standards etc	Limited	No increased weight. This is a full application, and the housing mix has been assessed as part of the October 2022 resolution.
H3 Internal Space Standards	To meet standard	Limited	No increased weight. This is a full application and the space standards have been assessed as part of the October 2022 resolution.
H4 Affordable Housing	30% affordable and mix specified	Limited	40% secured via S106, as per adopted Local Plan requirement. It is noted that the supporting text to this policy includes reference to provision of First Homes as Government's preferred discount market tenure.
T3 Car Parking Standards	Standards	Limited	No increased weight. This is a full application and the parking standards have been assessed as part of the October 2022 resolution.
CC1 Flood Risk Management	Flooding	Limited	Site is flood zone 1 and flood risk was assessed as part of October 2022 resolution.
CC2 Sustainable Drainage Systems	As above	Moderate	As above CC1. The policy is met and has increased weight in the planning balance.
CC4 Sustainable Construction	Encourage measures	Moderate	Increased weight to the policy but does not impact the planning balance.
CC5 Sustainable Transport	Bus services within 400m	Moderate	Yes, within 400m.

			<p>Secured bus stop improvements and bus passes.</p> <p>The policy is met and has increased weight in the planning balance.</p>
EV1 Landscape	Protect landscape character	Moderate	<p>Matters considered in original committee report.</p> <p>The policy is met subject to the conditions in the committee report and has increased weight in the planning balance.</p>
EV2 Green Wedges	Protect areas to fulfil their function	Moderate	The site is not green wedge and general landscape impact was assessed as part of the October 2022 resolution.
EV6 Conserving and Enhancing Biodiversity and Geodiversity	Ecology	Moderate	Net gain and ecological mitigation secured in S106 and by condition. The policy has been met. Increased weight to the policy in the planning balance.
EV7 Tree Planting	Retain trees and new tree planting	Moderate	<p>Matters considered in original committee report.</p> <p>The policy is met subject to the conditions in the committee report and has increased weight in the planning balance.</p>
EV9 Open Spaces, Sport and Recreation	On and off site open space in accordance with standards	Moderate	On-site and off-site provision secured in S106 and via condition. The policy has been met. Increased weight to the policy in the planning balance.
EV10 Indoor Sports Facilities	Seeks indoor sports contributions based upon need and evidence.	Moderate	<p>Indoor sports not secured as request not considered CIL compliant.</p> <p>Increased weight to the policy in the planning balance.</p>

EV11 Air Quality	Support development that does not lead to significant air quality impacts.	Moderate	Condition 15 secures a construction traffic management plan. Increased weight to the policy in the planning balance.
INF1 Infrastructure and Developer Contributions	Mitigate development impacts through S106/S278 agreements.	Limited	S106 secured. No change to weight in the planning balance.
INF2 Local and Strategic Road Network	Mitigate transport impacts of development on local and strategic road network.	Limited	Highways contributions secured in the S106. No change to weight in the planning balance.

8 Housing Mix (Affordable Housing)

- 8.1 Since the resolution at the Plans Committee held in October 2022 the associated S106 has been developed which includes provision for affordable housing. This is based on 40% (23 Homes) affordable housing on the site at a mix of 77% affordable rent and/or social rent (17 units) and 23% (6 units) shared ownership.
- 8.2 NPPF paragraph 65 states that “*Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership*”. Within the NPPF Annex 2 Glossary Shared Ownership is recognised as a form of affordable home ownership so this configuration within the s106 meets national policy.
- 8.3 Planning Practice Guidance states that “*A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations*”. This would mean that 3 of the affordable homes provided on the site should be First Homes (i.e. 25% of total provision of 12 affordable units). However, the HENA update June 2022 states in Section 9.38 – ‘The analysis and discussion (above) suggest that there are a number of households likely to fall under the PPG definition of needing affordable home ownership (including First Homes) – i.e. in the gap between renting and buying – but that the potential supply of low-cost housing to buy makes it difficult to fully quantify this need’.

- 8.4 It is also noted that the supporting text to emerging Local Plan policy H4 states that “First Homes are the Government’s preferred discount market tenure.” While not included in the associated policy wording, this is noted as a material consideration that First Homes will expected be discount market tenure to be provided as part of a mix of affordable housing. Limited weight can be given to this matter in accordance with NPPF (2023) paragraph 48.
- 8.5 The developer agrees that there is not a need for First Homes in the Borough and therefore are content to provide the 40% in the mix as set out above (i.e. affordable rent and shared ownership), to meet the Borough’s needs.
- 8.6 On this basis it is considered that grounds exist to depart from the published Guidance and NPPF paragraph 6. Such Guidance is a material consideration but carries only limited weight and it is inconsistent with the Development Plan. The absence of provision of First Homes within the s106 is considered to be a minor factor in the overall planning balance and is outweighed by a configuration of affordable housing that is tailored to meet identified local needs, in compliance with adopted policy.

9 Healthcare

- 9.1 The general provisions for healthcare were considered as part of the October 2022 reports. The resultant resolution was based on heads of terms including provision of £17,888.31 towards the provision and enhancement of facilities at The High Gate Medical Centre.
- 9.2 Subsequent comments from the Integrated Care Board update the requested contributions and have corrected the formula used when requesting the previous contributions. Based on the updated calculation, a contribution of £44,140.80 is now requested.
- 9.3 The general principle for Section 106 contributions to be secured to increase healthcare provision to accommodate the growth arising from this development remains in accordance with local and national policies, albeit that the recommendation is proposed to be updated to reflect the latest requests and those details which have been developed through drafting of the Section 106. Recommendation A is amended to suit. The applicant has agreed to this contribution.

10 Conclusion

- 10.1 For the reasons set out above, and contrary to the considerations presented to Plans Committee in October 2022, the Council can now demonstrate an adequate housing land supply such that the “tilted balance” of NPPF paragraph 11d no longer applies

to this proposal. The application therefore falls to be determined based on the adopted Development Plan, including policies of the Core Strategy, saved policies of the Local Plan and the recently “made” Cossington Neighbourhood Plan. Some weight can be given to the policies of the emerging Local Plan, subject to the level of outstanding issues related to each draft policy.

- 10.2 The key policies for this development, including CS1, CS3 and CS11 of the Core Strategy, are considered to be up to date and can be given full weight. Core Strategy policy CS1 is read with policies ST/2 and CT/1 which are considered to be out of date and can be given limited weight. Cossington Neighbourhood Plan policies are up to date, and particular consideration is given to Policy H2: Settlement Boundary and Policy H5: Windfall Sites.
- 10.3 The October 2022 reports provided an assessment of the impact of the development on the surrounding area and those considerations relating to design, layout, landscaping and access, for example, are unchanged in light of the current Development Plan policies. However, contrary to the October 2022 reports, the site now falls within the settlement boundary of an “Other Settlement”, as defined by the Cossington Neighbourhood Plan, where the principle of development to provide “at least” 500 dwellings across all “Other Settlements” is accepted, subject to all other policy considerations being met.
- 10.4 While the principle of development within an “Other Settlement” is acceptable, this is subject to other criteria being satisfied, including those set by Core Strategy CS1 and Neighbourhood Plan Policy H5 which restrict development to “small scale”, “individual dwellings” or “small groups”. As a proposal for 57 dwellings this application does not satisfy a reasonable interpretation of “small scale” such that there is a conflict with up-to-date policies of the Development Plan.
- 10.5 It is noted that an underlying principle of the NPPF is to significantly boost housing supply and that the Council’s ability to satisfy NPPF paragraph 226, with its requirement to demonstrate an adequate housing land supply, is in part due to the inclusion of this site as contributing to the supply of housing over the coming 5 years. As such, it is material consideration that the potential refusal of this application would detract from Charnwood’s ability to demonstrate adequate housing supply when considering future applications and could compromise the potential for Charnwood to demonstrate a housing land supply in the future.
- 10.6 The site is within a settlement boundary of an “Other Settlement” and would contribute to provision of “at least” 500 dwellings across all “Other Settlements”, in accordance with CS1. However, while the principle of development within a settlement boundary is acceptable, the proposals are not “small scale” such that there is a conflict with Core Strategy CS1 and Neighbourhood Plan Policy H5. This harm is taken in the context that the NPPF supports the general provision of housing.

10.7 The Planning and Compulsory Purchase Act 2004 Section 38(6) requires that a planning application is determined in accordance with the plan unless material considerations indicate otherwise. In this instance, there is conflict with the adopted development plan. However, when considering the relevant material considerations, it is also taken into account that the site makes an important contribution towards Charnwood’s ability to demonstrate an adequate supply of housing such that this is a factor that tips the balance in favour of approving the application.

11 RECOMMENDATION

11.1 The recommendation therefore comprises reiteration of that conveyed in the main report of October 2022 (Appendix 1), with update in respect of the Heads of Terms for Healthcare and minor amendments to conditions (underlined) as follows:

RECOMMENDATION A

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

Education	<ul style="list-style-type: none"> • £291,860.40 to fund the provision or enhancement of primary school facilities at Cossington Primary School to meet the needs of the development. • £158,220.48 to fund the provision or enhancement of facilities at Humphrey Perkins Secondary School.
Libraries	<ul style="list-style-type: none"> • £1,660.00 contribution towards the enhancement of Sileby Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.04ha) • An on-site natural and semi open space (minimum 0.27ha) • An on-site amenity green space (minimum 0.06ha) • An on-site LEAP facility • A £54,377.00 contribution towards young people’s provision in Cossington • 0.36ha on-site provision or a £18,801.00 contribution towards off-site outdoor sports facilities • 0.05ha on-site provision or a £6,437.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington

Affordable Housing	<ul style="list-style-type: none"> 40% (23 Homes) affordable housing on the site at a mix 77% (17) affordable rent and/or social rent and 23% (6) shared ownership.
NHS	<ul style="list-style-type: none"> £44,140.80 towards the provision and enhancement of facilities at The High Gate Medical Centre.
Highways	<ul style="list-style-type: none"> Travel pack for the first occupation of each new dwelling to promote sustainable transport choices. Developer can elect whether to provide the Travel Packs or pay a contribution of £52.85 per Dwelling to fund provision by the County.
Waste Services	<ul style="list-style-type: none"> £2,945.00 towards increasing capacity at the existing waste facility in Mountsorrel.
Biodiversity mitigation	<ul style="list-style-type: none"> £128,245.00 towards off-site biodiversity mitigation within the vicinity of the development.
Community facilities	<ul style="list-style-type: none"> £87,500.00 towards the provision of community hall facilities in the village.

RECOMMENDATION B:

That subject to the completion of the 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 Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given powers to determine the final detail of planning conditions.

Conditions

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Title	Drawing Number
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2275-01 Location Plan	2275-01
2275-02 Topographical Survey	2275-02
2275-03 Site Layout	2275-03 Rev 0
2275-03-02 Site Layout	2275-03-02 Rev T
2275-04 Materials Layout	2275-04 <u>Rev F</u>
2275-05 Accommodation Plan	2275-05 <u>Rev E</u>
2275-06 External Surfacing Plan	2275-06
2275-07 Means of Enclosure	2275-07
2275-08 Affordable Housing Plan	2275-08 <u>Rev F</u>
2275-09 Refuse Strategy Plan	2275-09
2275-10 Parking Strategy Plan	2275-10
2275-12 Development Visuals	2275-12 <u>Rev G</u>
2275-16 Sectional Elevations	2275-16 <u>Rev G</u>
2275-DAS Addendum	
2275-765	2275_20 <u>Rev B</u>
2275-875	2275_21 <u>Rev C</u>
2275-928	2275_22 <u>Rev C</u>
2275-928 R	2275_23 <u>Rev B</u>
2275-928-875 Semi	2275/ <u>Rev B</u>
2275-928-875 Special	2275/ <u>Rev B</u>
2275-928 V	2275_24 <u>Rev B</u>
2275-1079	2275_25
2275-1365-SH1	2275_26 <u>Rev A</u>
2275-1365-SH2	2275_27 <u>Rev B</u>
2275-1365 VR-SH1	2275_28
2275-1365 VR-SH2	2275_29
2275-1150	2275/ <u>Rev B</u>
2275-1399-SH1	2275_30 <u>Rev B</u>
2275-1399-SH2	2275_31 <u>Rev B</u>
2275-SH1-Plot 47-50	2275/
2275-SH2-Plot 47-50	2275/
2275-1489-SH1	2275_32 <u>Rev B</u>
2275-1489-SH2	2275_33 <u>Rev C</u>
2275-1489 R-SH1	2275_34 <u>Rev A</u>
2275-1489 R-SH2	2275_35 <u>Rev A</u>
2275-1489 VR-SH1	2275_36
2275-1489 VR-SH2	2275_37
2275-1489 V-SH1	2275_38
2275-1489 V-SH2	2275_39
2275-1531 SH1	2275_40 <u>Rev B</u>
2275-1531-SH2	2275_41 <u>Rev B</u>
2275-1650-SH2	2275/ <u>Rev C</u>

2275-1650-R	2275/ <u>Rev B</u>
2275-2172-Plot 1	2275/ <u>Rev A</u>
2275-2172-Plot 48	2275/ <u>Rev A</u>
2275-1752 Plot 1-SH1	2275_42
2275-1752 Plot 1-SH2	2275_43
2275-1752-SH1	2275_44
2275-1752-SH2	2275-1752-SH2
2275-Substation	2275_55
2275-AH-740-546 Plot 37-38	2275_46
2275-AH-740-546	2275_47 <u>Rev B</u>
2275-AH-755-25-29-38-A	2275/ <u>Rev B</u>
2275-AH-755	2275_48 <u>Rev B</u>
2275-AH-775	2275_49 <u>Rev B</u>
2275-AH-910	2275_50
2275-AH-916-Plots 36 41 56	2275-51 <u>Rev B</u>
2275-AH-916	2275/ <u>Rev B</u>
2275-Garage-01	2275_52
2275-Garage-02	2275_53
2275-Garage-03	2275_55
2275-Garage-04	2275_52
2275-Sales	2275_54

REASON: To define the terms of the planning permission.

3. 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.

REASON: To make sure that the appearance of the completed development is satisfactory in accordance with policies CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Policy DS5 of the emerging Charnwood Local Plan 2021 -37, Design SPD and the NPPF 2023.

4. Notwithstanding the submitted details, within two months of the commencement of development a scheme for the treatment of the application site boundaries and internal plot boundaries shall be submitted in writing to the local planning authority for approval.

REASON: To ensure the satisfactory, overall appearance of the completed development and to preserve residential amenity in accordance with policies CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood

Local Plan (2004), Policy DS5 of the emerging Charnwood Local Plan 2021 -37, Design SPD and the NPPF 2023.

5. No dwelling shall be occupied until such time as the screen walls/fencing on its boundaries approved in accordance with condition 4 above have been completed, in accordance with the design and specification shown on the approved details.

REASON: To provide a satisfactory level of privacy for the occupiers of the new dwellings and to ensure the satisfactory appearance of the completed development in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

6. Prior to the occupation of the final dwelling hereby permitted, the scheme for the treatment of the application site boundaries approved in accordance with condition 4 shall be fully completed in accordance with the approved details and shall thereafter be retained and maintained as such at all times.

REASON: To ensure the satisfactory, overall appearance of the completed development in accordance with CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

7. No development, including site works, shall start on the site until details of existing and proposed levels, including ground levels, finished floor levels of all dwellings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the local planning authority. The development shall thereafter only be carried out fully in accordance with the approved details.

REASON: To make sure that the development is carried out in a way which is in character with its surroundings in accordance with CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

8. Notwithstanding the submitted details, within two months of the commencement of development, a landscaping scheme, to include those details specified below, shall be submitted in writing to the local planning authority for approval:
 - i) the treatment proposed for all ground surfaces, including hard areas;
 - ii) full details of tree planting;
 - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
 - iv) finished levels or contours;
 - v) any structures to be erected or constructed;

- vi) functional services above and below ground; and
- vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

9. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011-2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

10. No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, public open spaces/play areas/tree planting areas and other incidental open spaces, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011-2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

11. Notwithstanding the submitted details, no dwelling shall be occupied until such time as details of the way in which the open space, recreational and play facilities are to be laid out and landscaped, including details of any buildings or structures to be erected, have been submitted to and agreed in writing by the local planning authority.

REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity in accordance with policies CS2 and CS11 of the

Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

12. The open space, recreational and play facilities shall be laid out and landscaped in accordance with the details agreed under the above condition, before the first occupation of the last dwelling on the site. The open space, recreational and play facilities shall thereafter be retained and maintained as such at all times.

REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

13. The existing hedges and trees located within the application site boundaries and shown to be retained on the approved layout drawing no. 2275/03/02 rev O shall be retained and maintained at all times. Any part of the hedges and trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants and trees of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss, for a period of 5 years from the date the development begins.

REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

14. No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges and trees shall be protected in the agreed manner for the duration of building operations on the application site.

REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site in accordance with policies CS2 and CS11 of the Charnwood Development Plan (2011- 2028) and Policies DS5 and EV1 of the Emerging Charnwood Local Plan 2021-2037 and the NPPF 2023.

15. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with policies CS2 and TR/18 of the Development Plan and NPPF (2023).

16. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawings Figure 2.1 and Figure 4.1 of the submitted Transport Assessment Ref: P/20-3138/TR03 dated February 2022 have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

17. No part of the development shall be occupied until such time as the offsite works shown on Proposed Access Arrangement drawing number Figures 2.1 and 4.1 of the submitted Transport Assessment Ref: P/20-3138/TR03 dated February 2022 have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

18. No dwelling shall be occupied until such time as its parking and turning facilities have been implemented in accordance with Proposed Site Layout drawing number 2275/03/02 Rev 0. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

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

out in accordance with these approved details and completed prior to first occupation of the development.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy CS16 of the Core Strategy, Policy CC1 of the Emerging Charnwood Local Plan 2021-2037 and the National Planning Policy Framework (2023).

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

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with policy CS16 of the Core Strategy, Policy CC1 of the Emerging Charnwood Local Plan 2021-2037 and the National Planning Policy Framework (2023).

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

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, Policy CC1 of the Emerging Charnwood Local Plan 2021-2037 and the National Planning Policy Framework (2023).

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

REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with policy CS16 of the Core Strategy, Policy CC1 of the Emerging Charnwood Local Plan 2021-2037 and the National Planning Policy Framework (2023).

23. The development shall only be carried out fully in accordance with the following recommendations for noise mitigation as set out in the submitted M-E-C Acoustic Air (26281-04-NA-01 rev B) Noise Assessment Report:

- Acoustic fencing for the dwellings with garden areas with an unscreened or partial unscreened angle of view to the roads as shown on drawing 26281_04_120_02 in Appendix E
- The provision of appropriate glazing and ventilation in accordance with the design criteria set out in tables 11 and 12 of the noise report to the dwellings within 17m of the carriageway edge of Syston Road and 10m away from the carriageway edge of Main Street.

REASON: To enable internal noise criterion to be met in the interests of preserving residential amenity in accordance with policy CS2 of the Core Strategy and paragraph 185 of the NPPF (2023).

24. Prior to the commencement of development, including site works, a Dust Management Strategy shall be submitted and approved in writing by the local planning authority. The submitted strategy shall make provision for off-site dust to be minimised. The development shall thereafter only be carried out in accordance with the provisions of the approved dust Management strategy.

REASON: To prevent off-site dust becoming an annoyance to existing residents in the interests of preserving residential amenity in accordance with policy CS2 of the Core Strategy and policy DS5 of the Emerging Charnwood Local Plan 2021-2037.

25. 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:

- 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.

REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14, policy EV8 of the Emerging Charnwood Local Plan 2021-2037 and the advice within the NPPF (2023).

Site Plan



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