

## Item No.1

### Application Reference Number P/21/1446/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	07/07/2021
<b>Applicant:</b>	Spitfire Homes		
<b>Proposal:</b>	Erection of 57 dwellings, alterations to existing access, and associated works.		
<b>Location:</b>	102 Main Street, Cossington, Leicestershire		
<b>Parish:</b>	Cossington	<b>Ward:</b>	Sileby/Wreake Villages
<b>Case Officer:</b>	Louise Winson	<b>Tel No:</b>	07864 603398

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This further report is presented to the Plans Committee following the resolution to defer the determination of the application until the next available Committee. The discussions at the previous Plans Committee meeting resulted in the following issues being raised:

- The loss of the No.2 bus service to the village
- Whether Cossington is a sustainable village for development

The item was deferred to allow for officers to discuss these issues with the Leicestershire County Council Highway Authority. A copy of the committee report presented to the September committee is reproduced in Appendix A.

### The No.2 Bus Service

The Highway Authority have confirmed there are currently no plans to reinstate the service either by the County Council or a private company. At the time of writing this report, discussions regarding public transport options are ongoing with the Highway Authority. The outcome of this will be reported to the Plans Committee via the Extras Report.

### Sustainability Matters

Policy CS1 of the Charnwood Core Strategy Sets out a development strategy for the Borough that includes a settlement hierarchy. The purpose of the policy is to sequentially guide development towards the most sustainable settlements. Within the settlement hierarchy, Cossington is identified as an “other settlement” where a limited level of housing growth, which is predominantly small scale and within limits to development, is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

It is acknowledged that the development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development. However, Charnwood cannot currently demonstrate the required 5yrs supply of

housing land with the figure being at just 3.04 years. The Borough's Housing requirement from 1<sup>st</sup> April 2022 is 1,160 new homes per annum. 200 new homes have been approved since 1<sup>st</sup> April by the Local Planning Authority, with a further 220 granted by the Planning Inspectorate through the appeals process at Iveshead Road Shepshed and Cossington Road, Sileby. This represents a significant shortfall in the approval of units to provide a five year supply and to meet the housing requirement at this point in the financial year.

Given the current lack of a 5 year supply of housing land, policy CS1 of the Core Strategy must be considered to be out of date, therefore paragraph 11(d) of the National Planning Policy Framework is engaged which sets out the presumption in favour of sustainable development and requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal. Recent appeal decisions have been instructive in guiding the Local Planning Authority in making this judgement. When considering the appeals at Shepshed and Cossington Road, the Inspectors identified harm in each case but concluded that the benefits of providing new homes in the Borough at a time of such a shortfall of supply outweighed any identified harms, in line with the provisions of the Framework.

The development of a settlement hierarchy for the Borough is based upon the evidence gathered in Charnwood Settlement Hierarchy (updated October 2020). This assessment identifies the range of services and facilities within individual settlements in the Borough and places them into the hierarchy.

The assessment sets out a number of essential and desirable services and facilities which are considered to be most important to meet people's day to day needs. These are shown in the table below:

Essential	Desirable
Food Shop	Higher Order Services Access
Primary School	Secondary School Access
Employment Access	Doctors Surgery
High Speed Broadband	Range of recreation, leisure and community facilities
	Post Office
	Pharmacy
	Pre-school care provision

The assessment defines 'other settlements' as those which have some of the services and facilities to meet the day to day needs of the community. The requirement for a settlement to fall into this category is clearly set out in the assessment as having at least two essential services and facilities within the settlement. Cossington benefits from a primary school and broadband facilities and therefore meets with the minimum requirements for an 'other settlement'. The loss of the bus service does not assist with the sustainability of the settlement but it does not affect the position of the village in the settlement hierarchy: sustainability (for the purposes of suitability for residential development) does not depend upon the presence or absence of a bus service, nor its quality.

The village also benefits from a number of the desirable criteria in that it is within walking distance to the service centre of Sileby and has a range of recreation, leisure, and community facilities. These facilities include a recreation/sports ground, church and public house.

The policies set out in the main agenda item to control housing supply in the Borough are out of date meaning paragraph 11(d) of the Framework is engaged. An assessment must therefore be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal. This assessment is carried out in the main agenda report, which, whilst some harm is identified, concludes that this does not significantly or demonstrably outweigh the benefits of the proposal. The loss of the bus service to the village does not result in exacerbating the harm to such a level that it outweighs the provision of housing at the time of a critical need in the Borough.

**Recommendation:**

No change to the officer's recommendation that planning permission should be granted for the development following the completion of a S106 Legal Agreement.

Appendix A: Main Agenda Report

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**Background**

This application has been brought to plans committee as it relates to a major housing development, outside current limits to development, is considered a departure from the Development Plan and is recommended for approval. The application has also been called in by Ward Cllr Poland due to concerns regarding the scale of development relative to the size of the village.

**Description of the Application Site**

The site is situated adjacent to the southern edge of the defined limits to development for Cossington. The site is approximately 2.7 ha in size and is within Flood Zone 1. The greenfield site currently has a mixed use as paddock land to the western side and the existing residential access to The Grove, No.100 Main Street to the eastern side.

The edge of adopted Cossington Conservation Area is adjacent to the northern and eastern boundaries of the site.

The land levels are generally flat with the site having a relatively open aspect and bounded by trees and hedgerows. There is an existing hedgerow through the centre of the site which runs in a north to south direction.

The character of the adjacent surrounding area can be set out as follows:

<b>Boundary</b>	<b>Description</b>
North	Adjacent to the existing edge of the village and the south-western edge of the adopted Cossington Conservation Area. Residential properties and associated curtilage lie to the north of this boundary with Platts Lane situated beyond.
East	Main Street runs along this entire boundary, a section of which is within the adopted Cossington Conservation Area. There is an existing hedgerow and a section of wall along this boundary which is interrupted by the existing vehicular access. Situated beyond Main Street on the eastern side are two residential properties and agricultural land.
South	Syston Road runs along this entire boundary with agricultural land beyond. The boundary is formed of mature trees and hedgerows.
West	This boundary is formed of mature trees and hedgerows with agricultural land beyond.

The site is located within the Soar Valley Landscape Character Area, however there are no specific landscape designations for the site. The site is within an area of archaeological interest and a mineral consultation zone for sand and gravel.

### **Description of the Proposal**

This full planning application seeks permission for the erection of 57 dwellings with associated works to include sustainable drainage features, public open space and areas for play. The main access into the site would be off Main Street via the existing access to the site, improvements to which are proposed at this time. A secondary access off Main Street is also proposed towards the northern edge of the site to provide access to four proposed dwellings fronting the eastern boundary and the existing residential dwelling to the north.

The proposed density of the development would be 32 dwellings per hectare, with 40% affordable housing proposed. The design and layout of the scheme has been amended following negotiations with officers. The amended plan submitted makes provision for the dwellings to be accessed from an internal road network formed of a main access road off Main Street. Parcels of housing would be situated off spurs from this main access road. A number of plots towards the outside edges of the development would be accessed via private drives to lessen the need for more engineered roadways.

The plans show the retention of the existing boundary treatments and hedgerows within the site other than where the new access road would break through the existing hedgerow to the east. This eastern hedgerow would also require trimming works to facilitate the improvements to the existing access to serve the development.

Large areas of open space would be concentrated to the southern and western edge of the development to provide a green edge to the site. A naturalistic timber trim trail play area is proposed to the west. Sustainable drainage features including swales and a balancing pond are proposed adjacent to the western boundary and to the north of the site.

## **Development Plan Policies**

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

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

#### Minerals and Waste Local Plan (2019)

Policy M11 Safeguarding of Mineral Resources

### **Other material considerations**

#### The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application

are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

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

#### Section 5: Delivering a sufficient supply of homes

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

#### Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

#### Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

#### Section 12: Requiring well-designed places.

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

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

landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

### Planning Practice Guidance

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

### National Design Guide

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

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

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

### Leicestershire Housing and Economic 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, it is however a material consideration.

### Conservation of Habitat and Species Regulations 2010 (as amended)

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

### Equality Act 2010

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

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

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the

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

### The Draft Charnwood Local Plan 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 given limited weight in the assessment of this application.

### 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.

## **Consultation Responses**

The table below sets out the responses that have been received from consultees with regards to the application. Please note that these can be read in full on the Council’s website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

<b>Consultee</b>	<b>Response</b>
Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of planning permission.
Housing Strategy & Support CBC	Seeks 40% (23 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership.
Leicestershire County Council – Highways	<p>Raises no objections to the proposal subject to a number of conditions to provide the following:</p> <ul style="list-style-type: none"> <li>• Construction Management Plan</li> <li>• Access and Visibility</li> <li>• Parking and Turning Facilities</li> </ul> <p>The following developer contributions are also sought:</p>

	<ul style="list-style-type: none"> <li>• The provision of travel packs for each dwelling to promote sustainable travel options.</li> </ul>
Leicestershire County Council - Education	<ul style="list-style-type: none"> <li>• Primary School Sector - Confirms that Cossington Primary School has a net capacity of 105 and 159 pupils are projected on the roll should this development proceed; a deficit of 54 pupil places after taking into account the 16 pupils generated by the development. There are currently 39 pupil places at this school being funded by S106 Agreements secured from developments elsewhere. The overall deficit including all schools within a two mile walking distance of the development is 86 pupil places. The 16 pupil places generated by this development cannot therefore be accommodated at nearby schools a claim for an education contribution of 16 pupil places (£291,860.40) in the primary sector is justified. The contribution would be used towards the <a href="#">provision</a> or enhancement of facilities at Cossington Primary School.</li> </ul> <p>Secondary School Sector - Confirms that the site falls within the catchment area of Humphrey Perkins School which has a net capacity of 900 and 1042 are projected should this development proceed; a deficit of 142 pupil places. 65 pupil places are included in this forecast from S106 Agreements from other developments in the area and have been deducted, reducing the overall deficit to 77 pupil places. In order to provide the additional secondary school places generated by the development a £158,220.48 contribution is sought. The contribution would be used to improve, remodel or enhance the existing facilities at Humphrey Perkins School.</p> <ul style="list-style-type: none"> <li>• Post 16 Sector - It is confirmed that no contributions are required from this sector.</li> <li>• Special Needs School Sector - It is confirmed that no contributions are required from this sector.</li> </ul>
Leicestershire County Council - Libraries	Seeks a £1,660.00 contribution towards the enhancement of Sibley Library.

Leicestershire County Council - Waste Management	The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facility in Mountsorrel. As such a developer contribution of £2,945.00 is required.
CBC Environmental Health	Raises no objection subject to conditions requiring a site dust management plan and noise mitigation measures due to the proximity of the proposed dwellings to Cossington Road and Main Street.
Cossington Parish Council	<p>Objects to the application on the following grounds:</p> <ul style="list-style-type: none"> <li>• The width of the existing footpath from the development into the village is too narrow. Given the development contains family homes this will lead to children being very close to the road especially with no chance of pushchairs etc. passing without going onto the road in certain parts.</li> <li>• The only walking exit from the development requires the crossing of Main Street. This will be dangerous at many times of the day but especially at peak times and night times.</li> <li>• The junction of Main Street and Syston Road floods regularly and is the location of many accidents given the speed traffic exits Syston Road onto Main Street. The development can only increase this risk.</li> <li>• The location of the access is close to the junction of Main Street and Syston Road. Although this is an existing access, it currently only serves 1 dwelling not 57.</li> <li>• The size of the development is out of scale for Cossington. The proposed 57 houses would increase the size of the village by over 30% and change the nature of the historic village and conservation area.</li> <li>• The village does not have the capacity within the school to accommodate the number of children likely to be living on the development. This will increase the traffic through the village because the only other alternative is for children to be taken to other schools outside of the village.</li> <li>• Concerns over the ability of the existing foul water system to cope with the increased flow generated by the development.</li> <li>• Should the development be given approval then this will put even more pressure on infrastructure.</li> </ul>

	A S106 contribution of £87,500.00 towards community facilities is requested.
Charnwood Open Spaces	<p>Seeks the following contributions:</p> <ul style="list-style-type: none"> <li>• An on-site multi-function green space (minimum 0.04ha)</li> <li>• An on-site natural and semi open space (minimum 0.27ha)</li> <li>• An on-site amenity green space (minimum 0.06ha)</li> <li>• An on-site LEAP facility</li> <li>• On-site provision or a £54,377.00 contribution towards young people's provision in Cossington</li> <li>• 0.36ha on-site provision or a £18,801.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.05ha on-site provision or a £6,437.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington</li> <li>• An indoor sports contribution to consist of £25,926.00 towards swimming pool facilities, £25,051.00 towards indoor court facilities and £3,699.00 towards indoor bowls rink facilities</li> </ul>
NHS CCG	Seeks a contribution of £17,888.31 towards the provision and enhancement of facilities at The High Gate Medical Centre.
Leicestershire Police	Raises no objection. Makes design suggestions to limit opportunities for crime.
Severn Trent	No objections with informative suggested.
Ward Cllr Poland	<p>Objects to the application for the following reasons;</p> <ul style="list-style-type: none"> <li>• Scale of development too large and out of character with the village</li> <li>• Unsustainable development due to lack of services and facilities within the village</li> <li>• Additional pressure of local services</li> <li>• Impact on the Conservation Area</li> <li>• Removal of trees and a wall within the Conservation Area</li> <li>• Impact on the Sewers</li> </ul>

## **Other Comments Received**

28 letters of objection in total have been received from local residents. 12 of these letters were received in response to the amended plans. Objections raised are summarised as follows:

- The development is in an unsustainable location
- The loss of the bus service
- Highway safety
- Pedestrian safety
- Unacceptable impact on Heritage
- Traffic congestion
- Pressure on existing infrastructure and services
- Scale and design
- Inappropriate location of swales
- Impact on Cossington Meadows Local Wildlife Site
- Loss of a greenfield site
- Impact on ecology/loss of habitat
- Loss of trees
- There is no need for extra housing in the village
- Impact on the countryside/landscape
- Flooding/drainage
- Lack of services and facilities in the village to accommodate the new residents

## **Relevant Planning History**

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

## **Consideration of the Planning Issues**

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Minerals and Waste Local Plan (2019). It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core Strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.04 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)ii), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although the greenfield site is outside of the defined limits to development and within the open countryside it does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered by officers that in this instance paragraph 11d i) would apply.

The main issues are considered to be:

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

### **The Principle of the Development**

The application site is located outside but adjacent to, the south western edge of the Development Limits to the settlement of Cossington, as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Cossington is identified as an "other" settlement where a limited level of housing growth which is predominantly small scale and within limits to development is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

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

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development and does not meet the criteria in policy CT/1. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the provision of 57 new houses at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However given the 5 year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly there is some harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2, and ST/2, which seeks to direct growth away from smaller settlements. This weighs against the proposal., The identified conflict with the Development Plan can however be considered within the overall planning balance for the proposal, and weighed against the benefits.

### **Housing Mix**

Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 57 units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided.

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

The Leicester & 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:

<b>Affordable rented</b>	
1 bed & 2 bed	60-75%
3 bed	20-30%
4+ bed	upto10%
<b>Market</b>	
1 bed	Up to 10%
2 bed	20-30%
3 bed	45-55%
4+ bed	15-25%



It is acknowledged that the proposed housing mix does not fully comply with the provisions of the HENA. However the provisions of the HENA are for guidance to assist in the judgement of the application and the planning balance, and does not form part of the Development Plan. Conversely, the provision of 23 affordable units is considered to be a significant benefit of the scheme which should be given positive weight within the planning balance. The Borough Council's Housing Strategy and Support Officer has assessed the proposal as submitted and is satisfied with the proposed housing mix.

## **Landscape and Visual Impact**

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

The application is supported by a Landscape and Visual Impact Assessment which concluded that the relatively flat site appears to nestle within the mature landscape setting and is not especially distinctive in landscape terms. There is no public access to the land and it therefore has limited recreational value.

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

The site lies in open country outside of the settlement limits. Its characteristic as a flat open field is consistent with the character of the Soar Valley landscape area. The site would be readily visible from Syston Road to the south and Main Street to the East. There are dwellings interspersed along Main Street to the east and to the north of the site, meaning the development would not appear as an isolated development separate to the village. The visual impact of the development from public areas would also be lessened to some degree by the existing hedgerows around the site which are to be retained.

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

The wider open countryside is situated at a similar landform to the site which affords

limited opportunity for a visual vantage point across the village. Where there are elevated landforms, the existing mature landscape features limits any direct views of the site. The character of the village could be described as being extensively vegetated which gives the village a nestled character when seen from the wider landscape area. This, along with intervening built form generally screens direct views of the site from the village. The field pattern to the west and north of the village is small to medium scale and enclosed by extensive hedging and trees. This results in a layered effect which filters direct views of the site. To the south there are extensive woodland blocks surrounding the water bodies and enclosing the River Wreake Towpath, this further reduces direct views of the site from the wider landscape area.

The submitted layout makes provision for a main and secondary access road onto Main Street. The existing hedge along this boundary would be retained other than where it would need to be trimmed to accommodate the access points. The secondary access point towards the north would also require the removal of a section of wall. Green infrastructure would be mainly be provided to the western side of the site to provide a softer, more rural edge to the development next to the adjacent open countryside. The existing green boundaries to the site will be retained and would be strengthened with additional hedge and tree planting. Given the location of the parcels of housing land would be generally away from the southern and western edges of the site, the existing rural appearance of the village from Syston Road to the south would not be completely lost. The appearance of the development can also be somewhat mitigated through careful landscaping provision along the edges of the site. This could be secured via appropriately worded conditions.

Whilst it is acknowledged that there would be some significant changes to the immediate appearance of the landscape through the development of housing on agricultural land and provision of the access points onto Main Street, it is considered that the resultant effects would be relatively localised and of limited overall landscape impact. This could be mitigated with additional planting to be secured through the recommended conditions.

It is therefore concluded that the overall long term impact on the landscape character of The Soar Valley would not be so significant as to change the overall character of the area or fail to comply with the guidelines of the landscape character appraisal. Whilst it should be acknowledged that there would be some limited landscape impacts at the site level, it is considered that the localised visual impact of the development could be mitigated following appropriate landscaping provision.

## **Design and Layout**

Local concern has been expressed regarding the scale of the development in comparison to the size of the village. This concern has been echoed by the ward councillor for Cossington.

Policies CS2 and EV/1 seek high quality design for new development. Policies CS11 and CT/2 seek to protect landscape character and countryside. These policies generally accord with the National Planning Policy Framework and do not 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 submitted layout would provide for the dwellings to be accessed from an internal road network with parcels of housing situated off spurs from this main internal road. A number of plots towards the outside edges of the development would be accessed via private drives. The existing boundary treatments are to be retained other than where works are required to the eastern boundary to facilitate the access points.

Green infrastructure including a the provision of a tree belt, areas of public green space and sustainable drainage features are proposed along the western and southern site frontage. Natural play opportunities are also proposed in these areas. This will provide a green edge to the development where it is adjacent to the open countryside. A landscaped buffer is proposed along the northern boundary to create a green corridor between the open space to the west of the site and the tree lined frontage of Main Street. A circular footpath link within the site is also proposed to provide connectivity between the housing parcels and areas of open space.

The proposed layout is considered to respond appropriately to the existing character of the immediate locality of the properties along the southern end of Main Street. The proposed Main Street frontage to the development would provide properties that are set back from the street, well-spaced and accessed off private drives to reflect the established character of the area.

The proposed dwellings are orientated to provide feature plots on the more visually prominent elements of the development when viewed from the internal roads or footpaths. Dwellings are also proposed to overlook the areas of green space to provide natural surveillance to these areas.

The proposed house types include a range a semi-detached and detached dwellings ranging from 1 to 2 storeys with a mixture of differing house types peppered around the site. The dwellings would be of a generally traditional design and form with contemporary features such as linear window openings and glaze canopy porches. The materials palette proposes a mixture of red brick and render with grey roof tiles. The final details of the materials are however proposed to be secured via the recommended conditions.

With regards to soft landscaping, the proposed layout makes provision for additional planting to the areas of green space along the western and southern boundaries along with new landscaping to compliment the internal layout. Whilst this design approach is considered to be acceptable, the final details regarding the hard and soft landscaping for the site are recommended to be secured via the recommended planning conditions.

Whilst it is acknowledged that the development would result in an increase in the scale of the village, when viewed in the context of the linear pattern of the existing built form of the settlement, it is not considered that the provision of dwellings on this parcel of land would be significantly or demonstrably out of kilter with the scale of the village. The proposed layout has been arranged in negotiation with officers to ensure the development assimilates with the character of the village, reading as an

extension to the existing built form. Conditions are recommended to ensure the final appearance of the completed development is satisfactory.

Accordingly, subject to the recommended conditions, it is considered in design and layout terms the proposal complies with Policies CS2, CT/2 and EV/1 of the Development Plan along with the Design Supplementary Planning Document. This would weigh positively in the planning balance.

## **Heritage**

The edge of adopted Cossington Conservation Area is adjacent to the northern and eastern boundaries of the site and includes the existing properties south of Platts Lane and Main Street itself and a strip of land to the east of Main Street.

When considering a development proposal within a conservation area section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Paragraphs 199-204 of the NPPF state that when considering the impact of a proposed development on the significance or setting of a designated or non-designated heritage asset, great weight should be given to the asset's conservation.

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

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

The application is supported by a Heritage Statement (June 2021). The statement concludes that the development would not be overly apparent in the context of the Conservation Area and is compliant with the provisions of the Framework in this regard along with Policy CS14 and the Act.

The scheme would be visible from the public areas of the Conservation Area which in this case is from Main Street to the East. Views from the northern point of the

Conservation Area are not within the public domain. The provision of the secondary access point to the north would require the removal of a section of the existing red brick/stone boundary wall along Main Street. This would have some impact on the character of the Conservation Area as a result of the provision of an engineered additional access onto the highway. The provision of 57 new dwellings and associated infrastructure on agricultural land which shares two boundaries with the adopted Conservation Area would also alter the character of the setting of the designated heritage asset due to the loss of the rural landscape adjacent to the Conservation Area site boundaries.

Due to the location of the site adjacent to a Conservation Area an assessment as to the potential impact on the designated heritage assets must be made. With reference to paragraphs 199-204 of the NPPF, it is overall considered that the development would result in less than substantial harm to the significance to the designated heritage asset, that of the Cossington Conservation Area, by development within its setting. In such cases where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework requires the harm to be weighed against the public benefits of the scheme. The harm, albeit less than substantial harm, can be identified as the loss of a section of the existing boundary wall to provide the secondary access and the visual impact of the housing development on previously undeveloped land. With regards to public benefits, the development will provide 57 new dwellings, of which 40% would be affordable dwellings at a time of acute housing need across the Borough. The development also would provide public green spaces and play facilities which provides a social benefit. There would be some contribution to the local economy resulting from the construction of the development and from new residents accessing local goods and services. The provision of biodiversity mitigation and new landscape planting would provide some environmental benefits. The design and layout of the site is considered to respond positively to the immediate context of its surroundings. Details such as the final materials palette and landscaping can also be secured via the recommended conditions to ensure the completed development assimilates with the Conservation Area.

On this basis, it has been assessed that whilst the development would result in less than substantial harm to significance of the designated heritage asset, the harm is outweighed by the identified public benefits to the scheme. The proposal therefore complies with the provisions of CS14 and the NPPF along with the Act in this regard.

## **Archaeology**

The site is situated in an archaeological alert zone. The provisions of the Framework requires development proposals which could have some impact on heritage assets with archaeological interest to be supported by an appropriate desk-based assessment. A condition requiring the completion and submission of a programme of archaeological work is therefore recommended in compliance with the provisions of the Framework.

## **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 proposed layout provides areas of green space incorporating amenity open space, along with space for a natural play LEAP facility. These areas meet the minimum size requirement of the development identified by the open spaces officer. There is, however, no on-site provision for young people's play areas, outdoor sports or allotments. A commuted sum to improve facilities elsewhere within the area will be secured. An indoor sports contribution was requested but this is not sought (see below).

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

## **Impact on Residential Amenity**

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

The development would be visible from the existing housing occupiers to the north and east of the site along Main Street. However, whilst these residents would see the proposed development there are no specific concerns identified as a result of the proposed layout regarding the preservation of existing residential amenity. The development complies with the separation distances contained within the Design SPD (2020) to prevent over-dominance and a loss of light or privacy to existing dwellings. The location of the access points and internal road network would also not result in an unacceptable level of noise and disturbance to existing residents. The areas of green space proposed are also set away from existing properties and would therefore not result in noise and disturbance concerns.

With regards to the amenities of the future occupiers of the development, the position and orientation of the proposed dwellings generally complies with the provisions of the Design Supplementary Planning Document in terms of preserving privacy, outlook and daylight. Each dwelling would benefit from an area of private amenity space along with convenient access to the areas of green space around the site.

The application has been supported by the submission of an Air Quality Assessment and Noise Assessment Report. The Council's Environmental Protection Team have been consulted in connection with the proposal and has suggested planning conditions to require mitigation/remediation measures as necessary to preserve residential amenity in this regard.

With regards to residential amenity it is overall considered that, subject to the recommended conditions, the development complies with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing Supplementary Planning Documents and paragraph 174 of the Framework.

## **Highway Matters**

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them

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

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

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

### Site Access

The main access to the site will be provided from Main Street at the point of the existing field access, approximately 60m from the junction of Main Street and Syston Road. A secondary access to serve the existing dwelling at No.102 and plots 7 – 10 is proposed to the north, approximately 75m from the main access point.

### Main Site Access

The main access from Main Street will be formed by a simple 5.5m wide priority junction with a 2m wide footway provided to the northern to western side of Main Street to connect to a proposed informal pedestrian crossing on Main Street approximately 15m away. Visibility splays will be provided to both sides of the access which meet the requirements of the Highways Design Guide. Swept path analysis of a refuse vehicle indicates that the site access is appropriate. The LHA is overall satisfied with the arrangements proposed for the main site access.

### Secondary Site Access

Following negotiations with officers regarding the design and layout of the site, the scheme was amended in part to provide a 5.5m wide secondary access to the north of the main access point to serve the existing dwelling at No.102 and plots 7 – 10. This access would also provide acceptable visibility splays in accordance with the Highways Design Guide. The LHA is content with the provision of this secondary access.

## Transport Sustainability

Whilst there are no designated cycleways in Cossington village, the topography in the local area is considered generally suitable to enable cycle trips.

National Cycle Network route 48 can be accessed around 700 metres west of the site via a traffic free cycle route from Syston Road (Leicester Cycle Network Route 1; opposite Platts Lane). This passes along the River Wreake before connecting to Meadow Lane in Syston. NCN48 continues south towards Leicester City Centre and north towards Hickling. NCN48 passes close to Syston Railway Station, with around a 17 minute cycle ride from the site. Birstall Park and Ride can also be accessed in a 12 minute cycle ride via Syston Road and NCN6; an off road route which runs adjacent to the A6 Loughborough Road.

The closest bus stops to the site are the Royal Oak bus stops located approximately 380 metres walking distance to the north of the centre of the site on Main Street. This distance is within the 400m of the development so no new or enhanced bus facilities/services are required by policy CS17.

## Highway Safety

Personal Injury Collision (PIC) data for the period between January 2016 and September 2021 has been submitted and reviewed. Further to this, the LHA considers that it is unlikely that the proposed development would exacerbate any existing road safety issues.

## Junction Capacity

The LHA have reviewed the submitted junction capacity assessment for the Main Street/Syston Road priority junction and is content that the modelling is acceptable. The Junction is forecast to operate within capacity under all scenarios assessed.

## Trip Generation, Distribution and Assignment

Based on trip generation rates extracted from the TRICS database, the proposed development is predicted to generate 39 and 45 two way vehicle trips in the morning and evening peak hours respectively. The LHA has reviewed the TRICS outputs and trip calculations, and these are acceptable.

The predicted trips have been assigned to the local highway network based on a distribution extracted from 2011 Census Travel to Work data. The LHA has spot checked the proposed distribution and assignment and is content that the trips have been assigned satisfactorily. 88% of development traffic would route to and from the south on Main Street, with the remaining 12% routing to and from the north on Main Street.

Further to the above, traffic associated with planning application reference P/20/2393/2, Land off Humble Lane Cossington, has been included in the submitted transport assessment for the current scheme. The LHA have reviewed the submitted growth rates between 2020 and 2026 and the Humble Lane development traffic and considers them to be acceptable.



## Internal Layout

The development comprises 44 dwellings with up to three bedrooms and 13 dwellings with four bedrooms, equating to a parking requirement of 127 spaces for the whole site. A total of 111 car parking spaces and 32 garages are proposed at the site. A further two visitor parking spaces are also proposed along with 57 cycle parking spaces. The LHA are satisfied the parking provision is in accordance with the Highways Design Guide.

The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with the Leicestershire Highway Design Guide. The LHA have reviewed the submitted (drawing number 2275/03/02 Rev. R Proposed site layout) and is content that any outstanding issues can be addressed as part of the formal S38 appraisal and the site is therefore considered to be to an adoptable standard.

In conclusion the proposal is considered to provide a safe and suitable access for the amount of development proposed. The internal layout and parking facilities for each plot can be provided in accordance with the requirements of the Highway Authority. A number of conditions are recommended to ensure the necessary highway safety measures are secured. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choices for its location. Accordingly the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm.

## **Flooding and Drainage**

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

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

In relation to this proposal, the main issue is whether development at this site would exacerbate any current flooding situation and cause additional concerns regarding the control of run-off water.

The majority of the site is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. The application is supported by a Flood Risk Assessment and drainage details which have been reviewed by the Leicestershire Lead Local Flood Authority.

The application site is mostly greenfield totalling 2.73 ha in size with 1.09 ha of the total being impermeable. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a very low risk of surface water flooding. The surface water proposals seek to discharge to an on-site attenuation basin before being discharged at a

QBar discharge rate of 5.3 l/s to a new 225mm gravity sewer which will then discharge to an existing surface water sewer located in Platts Lane to the north of the site. Attenuation calculations are inclusive of climate change and urban creep allowances.

The Leicestershire Lead Local Flood Authority has assessed the submitted information and considers that the scheme is acceptable subject to the imposition of appropriate planning conditions to further define the components of the Sustainable Drainage Scheme. It is concluded therefore that the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions requiring further details.

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

### **Ecology and Biodiversity**

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

The Appraisal has been amended to reflect the amended site layout and shows a small net loss for biodiversity on the site. The revisions made to the layout have been made following advice from the Borough Council's Senior Ecologist which has reduced the net biodiversity loss where possible.

The remaining loss will therefore need to be compensated for and a Biodiversity Offsetting Scheme is proposed which makes provision for a financial contribution of £128,557.00. This will be secured via the S106 Agreement. The Council's Senior Ecologist has reviewed the submitted Ecological Appraisal and is satisfied with the provisions of the Biodiversity Offsetting Scheme.

Overall, policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal, through the provision of the Biodiversity Offsetting Scheme to be secured via the S106 Agreement, could be made acceptable with regards to biodiversity in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy and the provisions of the Framework.

### **Minerals**

The site is within a consultation zone for Sand and Gravel. Following discussions with the Leicestershire Minerals Authority the applicant is undertaking a minerals assessment for the site to be in compliance with the Minerals and Waste Local Plan. Further information regarding this matter will be provided to members via the extras report.

### **Section 106 Contributions**

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the

delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Education	<ul style="list-style-type: none"> <li>• £291,860.40 to fund the provision or enhancement of primary school facilities at Cossington Primary School to meet the needs of the development.</li> <li>• £158,220.48 to fund the provision or enhancement of facilities at Humphrey Perkins Secondary School.</li> </ul>
Libraries	<ul style="list-style-type: none"> <li>• £1,660.00 contribution towards the enhancement of Sileby Library.</li> </ul>
Open Space	<ul style="list-style-type: none"> <li>• An on-site multi-function green space (minimum 0.04ha)</li> <li>• An on-site natural and semi open space (minimum 0.27ha)</li> <li>• An on-site amenity green space (minimum 0.06ha)</li> <li>• An on-site LEAP facility</li> <li>• On-site provision or a £54,377.00 contribution towards young people's provision in Cossington</li> <li>• 0.36ha on-site provision or a £18,801.00 contribution towards off-site outdoor sports facilities</li> <li>• 0.05ha on-site provision or a £6,437.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington</li> <li>• An indoor sports contribution to consist of £25,926.00 towards swimming pool facilities, £25,051.00 towards indoor court facilities and £3,699.00 towards indoor bowls rink facilities</li> </ul>
Affordable Housing	<ul style="list-style-type: none"> <li>• 40% (23 Homes) to be affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership.</li> </ul>
NHS	<ul style="list-style-type: none"> <li>• £17,888.31 towards the provision and enhancement of facilities at The High Gate Medical Centre.</li> </ul>
Highways	<ul style="list-style-type: none"> <li>• Travel pack for the first occupation of each new dwelling to promote sustainable transport choices.</li> </ul>
Civic Amenity	<ul style="list-style-type: none"> <li>• £2,945.00 towards increasing capacity at the</li> </ul>

	existing waste facility in Mountsorrel.
Biodiversity mitigation	<ul style="list-style-type: none"> <li>• £128,557.00 towards off-site biodiversity mitigation within the vicinity of the development.</li> </ul>
Community facilities	<ul style="list-style-type: none"> <li>• £87,500.00 towards the provision of community hall facilities in the village.</li> </ul>

Details have been submitted from the Parish Council, who are working with the Church, to justify the need for contributions towards a community hall facilities within the village. This contribution request was accepted at the Humble Lane, Cossington application P/20/2393/2. The information provided satisfies the CIL tests and is considered necessary and reasonable to make the development acceptable in planning terms.

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

### **Planning Balance and Conclusion**

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

As there is currently an insufficient supply of deliverable housing sites (3.04 years), this application would have to be determined on the basis of para 11dii) 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, when assessed against the policies in this Framework taken as a whole, for planning permission to be refused.

In this case the development would provide 57 new units of which 40% would be affordable homes, at a time of acute need. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and services. There are no technical constraints relating to highways, or drainage that cannot be mitigated. Landscape compensation and the final design detailing can be secured via the recommended planning conditions. Residential amenity can also be preserved.

The small net loss of biodiversity identified can be adequately mitigation through the provision of the proposed biodiversity offsetting scheme. Highway safety can be preserved and adequate parking and turning facilities for each dwelling provided. There would be less than substantial harm to the identified heritage assets but this harm is considered to be outweighed by the public benefits of the scheme. Impacts on infrastructure and public services can be offset within the site or via commuted

payments to improve facilities in the area.

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

The test from the Framework is whether the adverse impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing, when assessed against the policies in the Framework taken as a whole. With the Council’s current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing at a time where the Borough cannot demonstrate the required 5 years supply of housing land. Accordingly, it is recommended planning permission should be granted conditionally subject to a S.106 agreement as set out below

**RECOMMENDATION A:**

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

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

Affordable Housing	<ul style="list-style-type: none"> <li>40% (23 Homes) affordable housing on the site at a mix 77% affordable rent and/or social rent and 23% shared ownership.</li> </ul>
NHS	<ul style="list-style-type: none"> <li>£17,888.31 towards the provision and enhancement of facilities at The High Gate Medical Centre.</li> </ul>
Highways	<ul style="list-style-type: none"> <li>Travel pack for the first occupation of each new dwelling to promote sustainable transport choices.</li> </ul>
Civic Amenity	<ul style="list-style-type: none"> <li>£2,945.00 towards increasing capacity at the existing waste facility in Mountsorrel.</li> </ul>
Biodiversity mitigation	<ul style="list-style-type: none"> <li>£128,557.00 towards off-site biodiversity mitigation within the vicinity of the development.</li> </ul>
Community facilities	<ul style="list-style-type: none"> <li>£87,500.00 towards the provision of community hall facilities in the village.</li> </ul>

### **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 Regeneration, 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.

1.	<p>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.</p>																						
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Drawing Title</th> <th>Drawing Number</th> </tr> </thead> <tbody> <tr> <td>2275-01 Location Plan</td> <td>2275-01</td> </tr> <tr> <td>2275-02 Topographical Survey</td> <td>2275-02</td> </tr> <tr> <td>2275-03 Site Layout</td> <td>2275-03 Rev 0</td> </tr> <tr> <td>2275-03-02 Site Layout</td> <td>2275-03-02 Rev T</td> </tr> <tr> <td>2275-04 Materials Layout</td> <td>2275-04</td> </tr> <tr> <td>2275-05 Accommodation Plan</td> <td>2275-05</td> </tr> <tr> <td>2275-06 External Surfacing Plan</td> <td>2275-06</td> </tr> <tr> <td>2275-07 Means of Enclosure</td> <td>2275-07</td> </tr> <tr> <td>2275-08 Affordable Housing Plan</td> <td>2275-08</td> </tr> <tr> <td>2275-09 Refuse Strategy Plan</td> <td>2275-09</td> </tr> </tbody> </table>	Drawing Title	Drawing Number	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	2275-05 Accommodation Plan	2275-05	2275-06 External Surfacing Plan	2275-06	2275-07 Means of Enclosure	2275-07	2275-08 Affordable Housing Plan	2275-08	2275-09 Refuse Strategy Plan	2275-09
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2275-10 Parking Strategy Plan	2275-10
2275-12 Development Visuals	2275-12
2275-16 Sectional Elevations	2275-16
2275-DAS Addendum	
2275-765	2275_20
2275-875	2275_21
2275-928	2275_22
2275-928 R	2275_23
2275-928-875 Semi	2275/
2275-928-875 Special	2275/
2275-928 V	2275_24
2275-1079	2275_25
2275-1365-SH1	2275_26
2275-1365-SH2	2275_27
2275-1365 VR-SH1	2275_28
2275-1365 VR-SH2	2275_29
2275-1150	2275/
2275-1399-SH1	2275_30
2275-1399-SH2	2275_31
2275-SH1-Plot 47-50	2275/
2275-SH2-Plot 47-50	2275/
2275-1489-SH1	2275_32
2275-1489-SH2	2275_33
2275-1489 R-SH1	2275_34
2275-1489 R-SH2	2275_35
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
2275-1531-SH2	2275_41
2275-1650-SH2	2275/
2275-1650-R	2275/
2275-2172-Plot 1	2275/
2275-2172-Plot 48	2275/
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_
2275-AH-740-546	2275_
2275-AH-755-25-29-38-A	2275/
2275-AH-755	2275_
2275-AH-775	2275_
2275-AH-910	2275_
2275-AH-916-Plots 36 41 56	2275-51
2275-AH-916	2275/

	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.	<p>Notwithstanding the submitted details, prior to any part of the development reaching DampProofCourse 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: To make sure that the appearance of the completed development is satisfactory in accordance with policies CS2 of the Core Strategy.</p>		
4.	<p>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.</p> <p>REASON: To ensure the satisfactory, overall appearance of the completed development and to preserve residential amenity in accordance with policy CS2 of the Core Strategy.</p>		
5.	<p>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.</p> <p>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 policy CS2 of the Core Strategy.</p>		
6.	<p>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</p> <p>REASON: To ensure the satisfactory, overall appearance of the completed development in accordance with policy CS2 of the Core Strategy.</p>		
7.	<p>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</p>		



	<p>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.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings in accordance with policy CS2 of the Development Plan.</p>
8.	<p>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:</p> <ul style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including hard areas;</li> <li>ii) full details of tree planting;</li> <li>iii) planting schedules, noting the species, sizes, numbers and densities of plants;</li> <li>iv) finished levels or contours;</li> <li>v) any structures to be erected or constructed;</li> <li>vi) functional services above and below ground; and</li> <li>vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.</li> </ul> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policies CS2 and CS11 of the Core Strategy.</p>
9.	<p>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.</p> <p>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 Core Strategy.</p>
10.	<p>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.</p> <p>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 Core Strategy.</p>

11.	<p>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.</p> <p>REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity in accordance with policies CS2, CS11 and CS15 of the Core Strategy.</p>
12.	<p>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.</p> <p>REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity in accordance with policies CS2, CS11 and CS15 of the Core Strategy.</p>
13.	<p>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.</p> <p>REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development in accordance with policies CS2 and CS11 of the Core Strategy.</p>
14.	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges and trees shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site in accordance with policies CS2 and CS11 of the Core Strategy.</p>
15	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development</p>

	<p>shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with policies CS2 and TR/18 of the Development Plan.</p>
16.	<p>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.</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>
17.	<p>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.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).</p>
18.	<p>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.</p> <p>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 (2021).</p>
19.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these</p>

	<p>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 CS16 of the Core Strategy and the National Planning Policy Framework.</p>
20.	<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 National Planning Policy Framework.</p>
21.	<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>
22.	<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>
23.	<p>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:</p> <ul style="list-style-type: none"> <li>- Acoustic fencing for the dwellings with garden areas with an unscreened or partial unscreened angle of view to the roads as</li> </ul>

	<p>shown on drawing 26281_04_120_02 in Appendix E</p> <ul style="list-style-type: none"> <li>- 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.</li> </ul> <p>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.</p>
24.	<p>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.</p> <p>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.</p>
25.	<p>No development shall take place until a programme of archaeological work which includes a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and method</li> <li>• The programme for post investigation assessment</li> <li>• Provision to be made for analysis of the site investigation and recording</li> <li>• Provision to be made for the publication and dissemination of the analysis and records of the site investigation</li> <li>• Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>• Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ul> <p>All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.</p> <p>REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14 of the Development Plan and the advice within the NPPF.</p>

Informative Note(s):

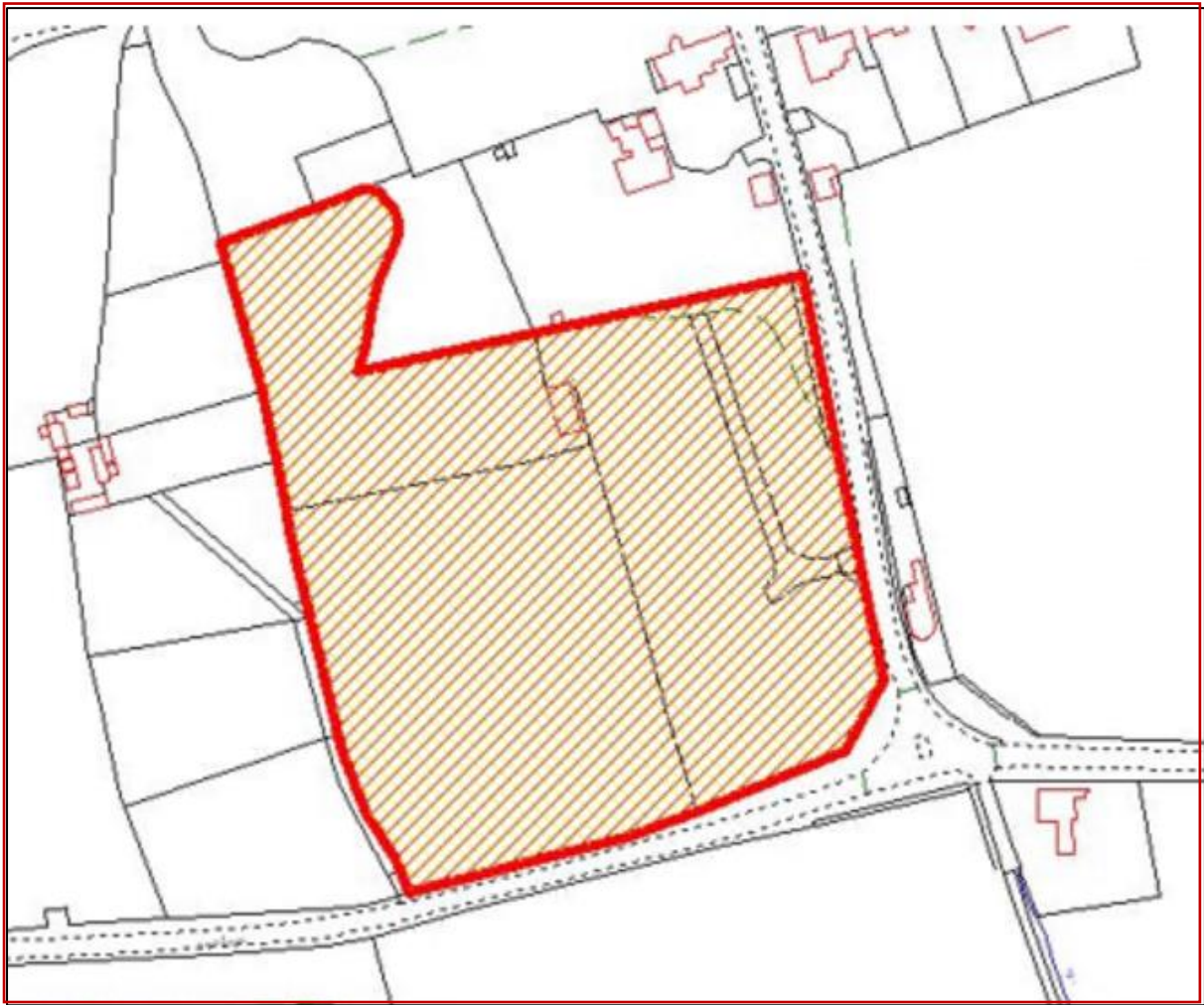
1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18 and M11, because the benefits of the proposal 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.
  
1. 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.
  
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
  
3. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.

4. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
5. 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.
6. Severn Trent Water advise that although statutory sewer records do not show any public sewers within the area specified in the proposal there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and the applicant is advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
7. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
8. 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.
9. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
10. 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.

11. 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>
12. 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.
13. 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.
14. Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure.
15. Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the development. The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties. Additional information and guidance is available here:  
<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>





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Appendix B: Extras Report

**For Plans Committee – 22<sup>nd</sup> September 2022**

**Additional items received since the report was drafted**

**Site Address:** 102 Main Street, Cossington

**Item No.1**

**P.A. No.** P/21/1446/2

Minerals

Since the publication of the committee report, a minerals assessment has been submitted with the application and consulted upon with Leicestershire Minerals Authority. The submitted minerals assessments concludes that the proposed development would not sterilise a potentially valuable mineral resource. The Minerals Authority has reviewed the contents of the assessment and has confirmed there are no objections to the proposal.

Education Provision

It has been noted that the obligations for financial contributions towards education provision set out in Recommendation A omits provision for the primary and secondary school contributions to be spent at any other school in the locality of the development or towards the construction of a new school.

**Officer Response:**

Minerals

The submitted minerals assessment and comments from the Minerals Authority are satisfactory for the purposes of ensuring the development will not result in the loss of potentially valuable mineral on compliance with policy M11 of the Minerals and Waste Local Plan (2019).

Education Provision

The contributions have been assessed and they are considered to comply with the CIL regulations and the additional wording suggested would allow flexibility in the provision of the necessary infrastructure to be provided to mitigate the impact of the development to comply with the provisions of policy CS24. The additional text should therefore be added to the recommendation A.

**Recommendation:**

No change to the officer's overall recommendation. However, the following amendment is proposed to Recommendation A;

Recommendation A:

Education:

- £291,860.40 to fund the provision or enhancement of facilities at Cossington primary school or any other school in the locality of development or towards the construction of a new school to meet the needs of the development.
- £158,220.48 to fund the provision or enhancement of facilities at Humphrey Perkins Secondary School or any other school in the locality of development or towards the construction of a new school to meet the needs of the development.