

## Item No. 2

### Application Reference Number P/19/2162/2

<b>Application Type:</b>	Full	<b>Date Valid:</b>	18 <sup>th</sup> October 2019
<b>Applicant:</b>	Davidsons Developments Ltd		
<b>Proposal:</b>	Erection of 31 dwellings and associated infrastructure		
<b>Location:</b>	Peashill Farm Ratcliffe Road Sileby LE12 7QB		
<b>Parish:</b>	Sileby	<b>Ward:</b>	Sileby
<b>Case Officer:</b>	Lewis Marshall	<b>Tel No:</b>	07714846497

---

This item has been called in to be determined by the Plans Committee at the request of Cllr Paling.

This report should be read in conjunction with associated report relating to application P/19/1683/2 which seeks reserved matters approval of the layout, landscaping, scale and appearance for 170 dwellings outside of but adjoining the application site.

### Description of the Application

The application comprises three parcels of land within the wider development site of Peashill Farm that extends to 13.32 hectares, with access to be obtained from Ratcliffe Road. The site is located within the development limits of Sileby as defined by the recently adopted Sileby Neighbourhood Plan. The application site is located on the southeast side of Sileby. The wider site is bounded to the east by the rear of properties on Ratcliffe Road and Peashill Close, with Sileby Cemetery to the north, open fields and countryside to the south and trees/hedgerows to the east. The site is not in a Conservation Area and the nearest heritage asset is the Cemetery Building which is locally listed.

The site is currently in arable land use for the most part, and consists of four fields (or parts of fields). To the northwest of the site, adjacent to the cemetery chapel, an area that was formerly a quarry is now a local wildlife site and a small enclosure of meadow pasture. The site is accessed off Ratcliffe Road via a private lane to Peashill Farm. The farmstead is located in the southern part of the site adjacent to the access, within a rectangular curtilage bound by trees and hedgerows, and consists of a farm house, brick outbuildings and corrugated iron vaulted barn. Conversion of the farmstead and the construction of new buildings for community and commercial uses has been granted Reserved Matters consent by the Plans Committee in August 2020 (application reference P/20/0089/2).

Outline planning permission was conditionally granted on the site for residential development for up to 170 dwellings, public open space, landscaping, extension to cemetery, new allotments, access, surface water attenuation and associated works including demolition of 94 Ratcliffe Road and conversion of existing farm buildings on 26<sup>th</sup> January 2018 (application P/17/1578/2 refers). That scheme included an indicative layout which had evolved from the Design & Access statement.

This application seeks full planning permission for 31 dwellings within three small parcels of land inset from the reserved matters application site. The parcels would be served by vehicular access from Ratcliffe Road which was approved under the outline permission granted for the wider development site. The internal road and footpath network considered under the adjacent reserved matters development would serve the additional 31 plots proposed as part of this planning application. The two applications are inextricably linked insofar as the layout of the site is considered and therefore, whilst they are separate applications, both are to be determined concurrently.

## **Development Plan Policies**

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2006-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009). The Sileby Neighbourhood Plan also forms part of the development Plan and is relevant to this application.

### Charnwood Local Plan 2011-2028 Core Strategy

The Core Strategy is less than five years old, is positively worded and consistent with the aims and objectives of the NPPF. The policies within the Core strategy are therefore considered to carry full weight. However, as of 9<sup>th</sup> November 2020 the Core Strategy will be five years old and therefore the weight given to policy CS1 may be reduced accordingly.

CS1 – Development Strategy - sets out the development strategy and directions of growth for the Borough.

CS2 – High Quality Design – requires new developments to respect and enhance the character of the area, protect the amenity of people who live and work nearby and function well and add to the quality of the area.

CS3 - Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Sileby 30% affordable homes are sought on sites of 10 dwellings or more.

CS6 – Employment and Economic Development – supports development that will promote growth, job opportunities and prosperity.

CS12 - Green Infrastructure – states that we will protect and enhance our green infrastructure assets for their community, economic and environmental values.

CS13 – Biodiversity and Geodiversity – supports development that protects, enhances, restores or recreates bio-diversity.

CS14 – Heritage - seeks to conserve and enhance heritage assets and their settings.

CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

CS25 – Presumption in favour of sustainable development – This policy reflects the NPPF and reinforces the positive approach the Council will take in respect of sustainable development.

### Borough of Charnwood Local Plan

The saved policies of the Local Plan (2004) are more than five years old and therefore do not carry full weight. However, it is considered that those saved policies are still considered to be consistent with the aims and objectives of the NPPF and the more recently adopted core strategy and therefore carry significant weight.

Policy ST/2 – states that built development will be confined to allocated sites and other land within the limits to development identified on the proposals map, subject to specific exceptions set out in the Local Plan.

Policy EV/1 - deals with all new development and states that the amenity of adjacent residential properties should be protected particularly in terms of privacy and light.

Policy TR/18 - indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off - street parking; the current, or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

### Sileby Neighbourhood Plan (2018-2036)

Policy G1: Limits to Development; supports development proposals within the settlement boundary as defined by the neighbourhood plan and where the proposal complies with the policies within the neighbourhood plan.

Policy G2: Design - sets out criteria for new development to ensure it enhances and reinforces local distinctiveness, character of the area and be sympathetic to any neighbouring properties and the surrounding area. Development which would have significant adverse effect on the street scene or the character of the countryside will only be permitted where any harm is clearly outweighed by the wider benefits of the proposal. Contemporary or innovative design will be encouraged and supported where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context. Development proposals should aim to maintain and enhance biodiversity through measures such as integral bird boxes and bat roosting or breeding sites and providing permeable hedges or fences.

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

- a) Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of Sileby or where the site is closely surrounded by existing buildings:
- b) Respects the shape and form of Sileby in order to maintain its distinctive character and enhance it where possible;
- c) Retains existing important natural boundaries such as trees, hedges and streams;
- d) Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the existing and future occupiers of the dwelling (s); and
- e) Does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with Charnwood Borough Council Planning Guidance.

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

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

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

Policy ENV7: Protection of Important Views – identifies important views across the neighbourhood plan area, including one in close proximity to the application site at the top of Peas Hill on Radcliffe Road, northwest down the hill into the village.

## **Other Material Considerations**

### The National Planning Policy Framework (2019)

The National Planning Policy Framework (chapter 7) sets out a presumption in favour of sustainable development. The framework identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being. One of the principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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 59). 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 61). The NPPF notes that the supply of new homes can sometimes be best achieved through planning for larger scale development such as new settlements or extensions to existing villages

### *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 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). 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 104). 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 109).

### *Section 11: Making effective use of land*

Paragraph 117 states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

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

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The role of design review arrangements that assess, support and ensure high standards of design are recognised (paragraph 129) and the NPPF notes that great weight should be given to innovative designs which help raise the standard of design (paragraph 131) and that poor design should be refused (paragraph 130).

*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 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

The National Design Guide (2019)

This document sets out the Central Government's design guidance which is intended to encourage, promote and inspire a higher standard of design in respect of development proposals.

Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Charnwood Design SPD (2020)

The adopted in Design Supplementary Planning Document is a working document intended to encourage, promote and inspire higher design standards in development throughout Charnwood.

The Leicestershire Highways Design Guide (2018)

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.

### The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

### National Planning Practice Guidance (PPG)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods

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

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

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

### Equality Act 2010

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

### The Draft Local Plan

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2036. The new local plan will include strategic and detailed policies and will be prepared to provide for a longer plan period than the adopted Charnwood Core Strategy which provides the strategy up to 2028. Taking into account its stage in the plan making process, at this time, the Draft Local Plan carries only very limited weight.

## The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

## S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

1. It is necessary to make the development acceptable in planning terms
2. It is directly related to the development
3. It is fairly and reasonably related in scale and kind to the development

## **Relevant Planning History**

<b>Reference</b>	<b>Description</b>	<b>Decision &amp; Date</b>
P/13/1889/2	Site for residential development of up to 284 dwellings with provision for access arrangements and public open space.	Refused 24/4/2015
P/17/1578/2	Outline application for up to 170 dwellings with associated open space, landscaping, extension to cemetery, new allotments, access, surface water attenuation and associated works including demolition of 94 Ratcliffe Road and conversion of existing farm buildings. (Access only to be considered at outline stage).	Approved 26/1/2018
P/19/1683/2	Reserved matters (appearance, scale, layout and landscaping) in respect of Outline Application P/17/1578/2 for the Erection of 170 dwellings	Pending consideration
P/20/0089/2	Reserved matters (appearance, scale, layout and landscaping) in respect of Outline Application P/17/1578/2 for the conversion of the existing farmstead.	Approved 2/9/2020

## Consultation Responses

Leicestershire County Council as Highway Authority raises no objection and advises that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework (NPPF), subject to a number of planning conditions be attached to any permission granted. Requests are made for financial contributions towards Travel Packs and Bus passes for new residents.

Leicestershire County Council as Local Lead Flood Authority raises no objection following the submission of additional information including calculations, an Engineering Layout and written correspondence from Severn Trent Water confirming that it is acceptable to discharge into their asset. This additional information is sufficient for the LLFA and recommends a number of conditions are imposed to any permission should it be granted.

Cllr. Paling has raised an objection to the application on the following grounds:

- The council has a 5.52 years housing land supply and the additional 31 homes are not needed to meet local need
- The proposal represents an increase in homes of 18% on the already approved development at Peashill Farm which is adrift from what was previously granted planning permission and would diminish the landscape lead approach to the original application.
- Granting permission of further development in Sileby would go against previous assurances that Sileby would not see any further housing development
- Additional homes would increase scale and density of development
- Additional traffic going into Sileby with junctions at capacity
- Additional building in the open countryside
- Development would conflict with policy H4 of the Sileby Neighbourhood Plan

Sileby Parish Council requests that their comments be read in conjunction with their comments on application P/20/2162/2 and raises the following concerns about the application;

- The Peashill Farm development was granted outline permission for up to 170 dwellings, this application for an additional 31 dwellings is not in accordance with the terms of the outline permission

There is no clear need for additional development in Sileby at this point in time as the anticipated scale of development has already been met borough wide (CBC can demonstrate a 5.52 year supply of housing as of March 31st, 2020 and has more than met the Government Housing Delivery Test 2018-2019).

- Sileby has taken responsibility to plan for future development on a scale which has taken into account existing housing commitments, including the outline permission for up to 170 dwellings on this development. The Sileby Neighbourhood Plan (SNP) has allocated reserve sites to meet this need. The extension to this site was not proposed for consideration as a reserve site and it has not been allocated. The application is in conflict with SNP Policy H1 Reserve Sites.

- The proposal does not meet the criteria required to be classed as a windfall site this is because it is already allocated as available for development (Outline permission P/17/1578/2), it has not been previously developed and nor is it infill development. Therefore it is in conflict with SNP Policy H2 for Windfall Development.
- The location of affordable housing which when combined with the proposed affordable housing provision set out in the Reserved Matters application P/19/1683/2, would result in a sizeable cluster of affordable housing within the development contrary to Policy H4.
- The proposal would have an adverse impact on the setting of Sileby Cemetery Chapel Building a locally designated heritage asset and the wider views. The built form of this proposal does not provide a harmonious extension to the existing settlement edge which at the moment is rural in character. The addition of an extra 31 dwellings has resulted in increased density of housing, less landscaping and loss of a key view into and out of the site.
- Requests to speak at plans committee

Charnwood Borough Council Environmental Protection Officer confirms that no objection to the application is raised but suggests that a condition is imposed on any permission requiring that a ground contamination investigation be carried out prior to the commencement of development and any remediation works recommended shall be implemented and verified prior to occupation.

Charnwood Borough Council Open Spaces Raises no objection following the submission of revised layout plan, which includes redistribution of the on-site open space typologies to be provided on the adjacent Reserved Matters Application. It is confirmed that the on-site open space provided within the wider site meets the needs of the adjacent reserved matters development in addition to the additional 31 units proposed as part this application. The majority of the open space is to be delivered within phase 2 of the development and should therefore be in place prior to the commencement of this development and therefore will be provided concurrent with occupation. A contribution of £43,268.73 towards off site outdoor sports facilities is requested.

Charnwood Borough Council Affordable Housing Strategy Manager requested 7 affordable rent and 2 shared ownership dwellings. Initially raised concerns that the clusters of affordable housing proposed did not accord with the guidance contained within the adopted housing SPD. The location, distribution and mix of affordable units were subsequently amended as part of the application and are now considered acceptable.

NHS West Leicestershire CCG requests £14,395.92 towards improving capacity at The Banks and Highgate surgeries to mitigate the impacts of the development on service provision.

Leicestershire County Council Developer Contributions makes requests for the following contributions:

- £1602.00 towards improving capacity at Mountsorrel Household Waste and Recycling Centre
- £940 towards improving user capacity at Sileby public Library
- £135,705.60 towards improving primary education provision and capacity at Highgate Primary school, or any other primary school within the locality.

NHS University Hospitals Leicester requests £13,805.00 towards gap funding to improve the capacity of secondary and tertiary healthcare at University Hospitals Leicester.

There have been 28 letters of objection received from residents raising the following concerns:

- The proposed development will exacerbate traffic and parking issues on Ratcliffe Road
- Loss of green space and natural drainage
- Overlooking and loss of privacy
- Additional noise and disturbance
- High density development that doesn't respect the character of the area
- Impact on infrastructure and local service provision
- Traffic congestion issues during construction and road closures due to flooding
- Mix and tenure of affordable housing will increase crime
- Lack of bungalows
- Heights of buildings
- Overbearing impacts
- Loss of daylight
- Impact on the character and appearance of area and inappropriate use of materials
- Poor house type designs
- Increased risk of flooding
- The Reserved Matters application does not accord with the outline permission
- Lack of parking for new development
- Over development of the site
- The council should require planting on surrounding fields and the designation of a conservation area to prevent further development
- Concerns over landscape and boundary management responsibility
- Loss of trees and harm to wildlife
- Building on open countryside
- Loss of agricultural land
- Unsustainable location

All the responses received can be read in full at [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

### **Consideration of the Planning Issues**

The principle of residential development on the site has been established following the granting of outline planning permission P/17/1578/2. Through the granting of the outline application, the principle of the development, the impact on flooding, road congestion and local wildlife were considered for a development of 170 dwellings.

The main issues to be considered in the determination of this application are:

- The Principle of Development
- Design and Layout and the impact on the character of the area
- The Impact on Residential Amenity
- Impact on Ecology

- Highway Safety
- Heritage
- Developer Contributions

### The Principle of Development

The principle of development is guided by local plan policies CS1 of the Charnwood Local Plan Core Strategy (2015) and saved policy ST/2 of the Borough of Charnwood Local Plan (2004). These policies generally restrict development outside of the defined boundary limits to development and within the countryside. Whilst saved policy ST/2 remains as a saved policy, the limits to development are now considered up to date as defined within the recently adopted Neighbourhood Plan. The limits to development have been amended to incorporate the permitted outline development that surrounds the site. It is therefore considered that the site is within the built up area of the village and it is also within the settlement limits as defined by the Sileby Neighbourhood Plan. Policy H2 also supports windfall housing development on sites which haven't previously been identified in a local or neighbourhood plan. Policy H2 supports sites within the built-up area of Sileby or where the site is closely surrounded by existing buildings.

Policy CS1 of the Core Strategy sets out a settlement hierarchy for the Borough and the criteria for the considering proposals within individual tiers of settlements. Sileby is defined as a Service Centre, a settlement that has access to a good range of services or facilities compared to other settlements.

Policy CS1 represents the strategic vision of the borough and is an expression of a sustainable growth pattern. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to Service Centre's such as Sileby, and then Other Settlements. In doing so it provides for at least 3000 new homes within or adjoining Service Centres between 2011 and 2028.

In the period between the base date of 2011 and the latest full monitoring period of 31st March 2020 approximately 4,363 homes have been committed within Service Centre Settlements; 45% more homes than provided for in the Core Strategy for Service Centre's.

The Council is also able to demonstrate that it has a 5.52 years supply of housing at the current time. However, as of 9<sup>th</sup> November 2020 the Core Strategy will be five years old and the five year supply position of the Council is likely to be reduced. The anticipation of a shortfall in the supply of housing is a material consideration in the determination of this application.

However, the supporting text to policy CS1 is clear that small scale development within settlement limits and within the built up area of the settlement will be supported. 31 units in the context of Sileby, which is a large village, is considered to be small scale. Furthermore, the site is within the limits to development and is within the built up area as it is surrounded by existing or committed residential development. It is therefore concluded that whilst the development would result in an additional 31 units within this tier of the settlement hierarchy, the additional amount is considered small scale and therefore broadly complies with policy CS1. Furthermore, the Sileby Neighborhood Plan provides support for windfall development where it is within the settlement limits. The principle of

development is considered to be acceptable in accordance with Policy CS1 of the Core Strategy and policies G1 and H2 of the Sibley Neighbourhood Plan.

The principle of development is considered acceptable on the provision that the adjacent reserved matters application P/19/1683/2 is approved. Given the application's reliance on the reserved matters application to be acceptable in terms of its location, infrastructure and design, if the reserved matters application is refused, then contrary to officers recommendation, officers would consider this application to be unacceptable and recommendation C is made below in such event.

Design and Layout and Impact on the character of the area

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

The National Design Guide sets out important design characteristics which are integral to any development. It is considered that this proposal must sit within the framework of the approved Design and Access statement and rationale for the wider site under consideration for the adjacent Reserved Matters. An assessment of the proposed 31 units as standalone application and in context of the surrounding Reserved Matters development is set out below in consideration of the proposal in terms of the 10 characteristics. The table below provides a short summary:

Characteristic	Assessment
Context	The existing surrounding context is mixed but defined by the site's edge of settlement location surrounding a Victorian farm complex, of which is to be retained and developed under a separate reserved matters permission granted for that parcel of the site. Due to the site's shape and position, it does not share a strong physical relationship with built development along Peashill Close or Ratcliffe Road. The three land parcels subject to this full planning application relate in form, layout and scale to the adjacent proposed reserved matters but would clearly be out of context in isolation.
Identity	The wider development achieves an identity which comes from the interaction of the elements within it. It is clearly contained by the green corridors and has been designed so that there are small character areas, (greens), within it. There are vistas towards adjoining green areas and dual aspect and taller buildings have been used to help define place. The additional 31 units, whilst contained by the reserved matters, still interacts with green space and is coherent with the rest of the proposed development.
Built Form	The development uses an outward facing block structure with interesting building orientation and small landscape features used to define nodes. Whilst the surrounding context requires

	a lower density at the site edges, it is walkable with a system of footways/cycleways. The proposed 31 units are similar in form and characteristics to the rest of the site, set in perimeter blocks facing onto roads, private driveways or footpaths within the Open Space.
Movement	The wider development has a clearly defined hierarchy for movement on which the land parcels would rely. There are distinct road types and various choices for connectivity adjoining the proposed land parcels are offered with a wide range of walkable networks around the wider site and onto Ratcliffe Road and potential for connectivity to the Cemetery.
Nature	Within the wider development and adjoining the land parcels, there are high quality greenspaces which perform a number of functions, including play and drainage.
Public Spaces	Small scale open spaces have been used around prominent junctions within the development to provide visual enjoyment. This is supplemented by larger scale open spaces which are multi-functional. The hierarchy of streets within and adjoining the site itself lends interest to public areas and the block structure ensures active frontage.
Uses	The wider residential development parcel is supplemented by the community/commercial uses within the agricultural complex secured as part of the outline permission. Walkable access to village services is provided.
Homes and Buildings	These are traditional family homes and as such do not contain any unique design features. The house types proposed meet with national guidance relating to internal space and provide outdoor areas and opportunities for storage and off street parking.
Resources	Whilst the details of construction are beyond the scope of application the housing will be constructed to meet with Building Regulations part L. This emphasises efficient use of energy and uses a fabric first approach. The site will be drained via sustainable drainage
Life Span	The proposal is designed to be robust with traditional brick-built units and management proposals in place for communal areas.

Concerns have been raised that the additional dwellings significantly increase the density of the development and would cause harm to the character of the area. The total site area measures 13.32 hectares. The density of the approved 170 dwellings equated to 12.7 dwellings per hectare which when considered cumulatively with the additional 31 dwellings proposed as part of this application, the increased density of the site considered overall is 15.09 dwellings per hectare. This is still considered to be a low density development overall, and given the position of the additional 31 units being located away from countryside edges, it is not considered that the proposal would cause any greater harm to the character and appearance of the area than was granted under the outline planning permission.

In respect of the design; the layout, scale, appearance and landscaping it is considered that when considered in the context of the adjacent reserved matters application, the proposal accords with policies CS2, EV/1 and G2. However, this is incumbent on the wider reserved matters application being permitted and implemented as the two parcels are mutually dependent and inextricably linked to ensure the overall success of the development and overall compliance with the design policies and guidance of the development plan. Should the reserved matters application be refused, the proposed application as a standalone development would not accord with the above mentioned design policies. In the event that the reserved matters is refused by members, recommendation C set out below suggests reason to refuse the application on account of its isolated layout, location and lack of infrastructure.

### Residential Amenity

Core Strategy Policy CS2 and saved local plan policies EV/1 promote high quality design and layouts to preserve residential amenity for both occupiers of existing neighbouring properties and the future occupiers of proposed development. Further guidance on residential amenity is set out in the Design SPD.

Within the three land parcels subject to this full application, plots are orientated and spaced in a way that ensures there is adequate privacy, light and that private elevations and garages have a reasonable outlook. Guidelines set out within the SPD which supports the Development Plan are all met in this regard. There are some relationships within the blocks where side elevations are close to adjacent gardens but in these instances appropriate selection of house types has been used to ensure any potentially overlooking first floor windows only serve bathrooms or landings. Due to the distances of the three land parcels subject of this application to existing neighbouring properties on either Ratcliffe Road or Peashill Close, it is not considered that the development would directly impact any nearby residents in terms of overlooking, loss of privacy or over dominance. The impact of the wider development on existing nearby residents in these regards is considered under application P/19/1683/2.

It is therefore considered that the proposal would not result in unacceptable adverse impact on amenity of residential properties within the sites locality and therefore does not conflict with policies CS2 and EV/1 in respect of residential amenity. Furthermore, the proposal is acceptable having regard for the guidance and separation distances contained within the Design SPD and accords with the principles approved as part of the outline planning permission.

### Housing Mix

Policy CS3 requires an appropriate level of affordable homes and a mix of type, tenure and size of home having regard to housing need and character of the area. CS3 seeks 30% affordable homes across the site and also a mix of type, tenure and size of home to meet local needs. Policy H4 of the Neighbourhood Plan states that the affordable housing should be made available as an integral part of the development, equivalent to the open market housing and be dispersed throughout the site as individual units. The Housing and Economic Development Needs Assessment (HEDNA) is the evidence base to support policy CS3 and identifies particular need across the borough.

In order to consider the proposals compliance with housing mix policies, consideration of the entire site (the reserved matters for 170 units and full application for the additional 31 units) has been considered both individually and interdependently to ensure that each application when considered on its own, or when considering the wider development site as whole, the proposals are policy compliant. The mix proposed for market and affordable housing in respect of this full application for 31 units are set out below;

#### *Open Market Housing*

Size	No.	% Proposed	% HEDNA	Site wide %
1 bed	0	0	0-10%	0%
2 bed	2	10%	25-35%	13.4%
3 bed	13	59%	45-55%	52.4%
4+ bed	7	31%	10-20%	34.4%

#### *Affordable Housing*

Size	No.	% Proposed	% HEDNA	Site wide %
1 bed	0	0%	40-45%	13.3%
2 bed	4	44.4%	20-25%	58.3%
3 bed	5	55.5%	25-30%	26.7%
4+ bed	0	0%	5-10%	1.7%

Whilst the mix of open market housing above does not strictly accord with HEDNA, this needs to be considered in association with the housing mix proposed for the parcel of land subject to the 170 dwellings of which reserved matters approval is sought. When considering the two applications together, it is considered that a broadly HEDNA compliant mix is achieved, whilst the mix proposed still has regard for the character of the area and the need to achieve compliance with the relevant design policies of the Development Plan.

In terms of the mix, location and distribution of the affordable housing, the housing SPD seeks to ensure the affordable housing is not distinguishable from the open market housing and should be in contiguous groups of no more than 10. The proposal complies with the housing SPD in this regard. Whilst the affordable housing mix does not strictly accord with HEDNA, this evidence base is a material consideration and not a determinative factor when considering housing mix. The Councils Affordable Housing Strategy manager has requested the mix provided on the basis of local need, rather than borough wide need. Policy H4 of the Sileby Neighbourhood Plan also requires that no two affordable units are positioned together on the site to ensure a cohesive and well balanced community. The Neighbourhood Plan does state that this requirement can be obviated should it be demonstrated that a registered provider would be unwilling to manage the units in this form. In the current market Registered Providers will tend to prefer the affordable housing to be in clusters rather than individual units dispersed throughout the development as this makes the housing easier to manage particularly when some units are sold as affordable home ownership or acquired through Right to Buy. However, the affordable housing should be an integral part of the development and be visually indistinguishable from the equivalent market housing. In this regard, East Midlands Housing who are to be the registered provider to own and manage the affordable units has confirmed that it would not be possible to manage the units in this

way for the reasons stated above and the proposals before the council are acceptable to them. In this regard, it is considered that the requirements of Policy H4 have been addressed and complied with. The Council's Affordable Housing Strategy Manager has been consulted on the proposals and supports the amount, mix, distribution and tenure proposed, which is in accordance with the S106 agreement secured under the outline planning permission and meets local need at the current time.

Overall, when considering policies CS3, H4 and the Housing SPD it is considered that the proposal accords with the development in respect of housing mix.

### Ecology

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. Policy G2 and ENV6 of the Sibley Neighbourhood Plan seek to encourage the use of integrated nesting and roosting features and safeguard locally significant habitats and species and to create new habitats for wildlife. Condition 4 of the outline planning permission seeks to ensure that a landscaping scheme is submitted as part of the reserved matters, not only to ensure the satisfactory appearance of the development, but also to protect wildlife. While the land parcels subject to this full application do not contain any significant landscaping areas or open space, the impacts of the development will be mitigated by virtue of the conditions attached to the outline permission and the subsequent landscaping scheme submitted and approved for the wider site. For this reason it is recommended that the Section 106 Legal Agreement precludes any dwelling permitted by way of this particular consent from being occupied until necessary supporting infrastructure delivered by way of the surrounding outline/reserved matters is delivered.

To inform the outline planning application a suite of ecological surveys of the site was undertaken in 2016. These included a desk study, Extended Phase 1 survey and further Phase 2 surveys in relation to roosting bats, foraging/commuting bats and great crested newts. The results of which were submitted with the outline application within an Ecological Appraisal. It was considered that should a scheme be submitted that broadly accords with the aims and objectives of the design and access statement and the masterplan, a scheme could be delivered that would not result in an overall loss or harm to biodiversity. The layout and extensively planted landscaping scheme submitted as part of the adjacent reserved matters application includes numerous areas of formal and informal open space which are dual purpose to provide functional and attractive green infrastructure for both wildlife and residents in order to mitigate the impacts of the overall development on the loss of the arable field. Hedgerow buffers are also provided along the boundaries shared with properties along Peashill Close to allow wildlife corridors to develop once the development is complete and retention of the area of woodland to the south west of the site is retained and to be managed over the long term. The application has been supplemented by an addendum report and updated ecological survey which confirms that no additional enhancement or offsetting measures are required as a result of the additional 31 units proposed.

It is therefore considered the application, when considered in the context of the adjacent reserved matters application, will be acceptable in terms of its impact on wildlife and therefore accords with policies CS13, G2, ENV6 and the NPPF.

## Highway Safety, Parking and Access

Saved" Policy TR/18 of the Charnwood Local Plan sets out parking standards in respect of development proposals. Paragraph 108 of the National Planning Policy Framework outlines that development proposals should ensure that safe and suitable access to the site can be achieved for all users. Paragraph 109, of the National Planning Policy Framework, outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. When considering planning applications, the Local Highway Authority uses the guidance and standards contained within the Leicestershire Highways Design Guide (LHDG). In order to assess the impact of the additional 31 units on the wider highway network, an additional technical note has been submitted to supplement the Transport Assessment submitted and approved as part of the Outline application. The submitted supplementary technical note considers the number of trips generated by the development and junction capacity assessments.

The main site access points off Ratcliffe Road has already been determined under planning application P/17/1578/2 as was the impact on the wider highway network considered and determined to be acceptable by the local highway authority. In terms of considering the additional vehicular movements arising from the proposed 31 units, vehicle trips are calculated to 16 two-way trips in the AM Peak and 15 two-way trips in the PM peak.

Leicestershire County Council (Local Highways Authority) were consulted in connection with this full planning application. The LHA are satisfied with the trips produced by the additional proposed development as they are under 30 two-way trips, which will not lead to an added strain on the permitted access or the wider highway network. It is considered that when considering the cumulative impact of both developments, the impact would not be unacceptable or severe in accordance with paragraph 109 of the National Planning Policy Framework. The consultation response originally received requested for vehicular and pedestrian visibility splays to be improved, bend widening, speed control measures, footway provision, shared surface provision and bin collection points be provided or improved in accordance with LHDG standards. The application was subsequently amended and the LHA are satisfied the layout and highway design and is in accordance with the LHDG in respect of highway safety.

The Local Highways authority have also reviewed the proposed parking provision and are satisfied there is sufficient parking associated with the proposed dwellings and is in general accordance with Highway Requirements Part 4 of the Leicestershire Highways Design Guide. It is confirmed therefore that the Local Highways Authority raise no objection in respect of the proposed development, although they have recommended a number of conditions. It is also recommended that the detailed design of the highway works will need to be amended in order to be considered for adoption. It has also been advised that should the scheme be as submitted be adopted, it would require the payment of a commuted sum to the county council which would be secured through the Section 38 technical approval process between the developer and the Local Highway Authority.

The location of the additional 31 units proposed is positioned within the final phase of the development's site wide phasing plan submitted in support of the full and reserved matters applications. A condition shall be imposed to ensure the development of the site is carried

out in accordance with the phasing plan to ensure appropriate delivery of the surrounding infrastructure prior to works commencing the additional 31 plots.

Overall, given the site specific circumstances outlined above, the Local Highway Authority do not consider the proposals would lead to a 'severe' impact on the safe operation of the highway in accordance with the NPPF. Therefore, subject to the imposition of conditions recommended by the Local Highway Authority, the Local Planning Authority does not consider this development will have a severe impact on the highway in accordance with Paragraph 109 of the NPPF and therefore a reason for refusal on such grounds could not be sustained. Furthermore, it is considered that parking provision provided is in accordance with TR/18 and the Leicestershire Highways Design Guide.

### Heritage

The impact on heritage was considered by officers and members at the time of the outline planning application being granted. The application site is not located within a conservation area and there are no designated heritage assets in close proximity. The wider site lies adjacent to Sileby cemetery and the adjacent outline application and adjacent Reserved Matters provides for an expansion of the cemetery grounds. The cemetery contains a small chapel which is included on Charnwood Borough Council's list of locally designated assets. Sileby Conservation Area lies approximately 500m to the west of the application site and, although it may be possible to appreciate aspects of the proposed development from within the conservation area, at the time of the determination of the outline planning application it was not considered that the development itself will impact upon the conservation area. This remains the case following the submission and consideration of the adjacent reserved matters application and for this full application for an additional 31 units.

The proposed development does not result in any physical impact on the significance of the structure of Sileby Cemetery Chapel (locally listed) but as the chapel can be viewed from the site, it can be considered as forming part of its setting.

It is considered that the design of the proposed development has responded to this by setting back the built form in order that the views of the chapel can be appreciated from within the open spaces. In addition, the orientation of the road and pathway network is such that the chapel becomes a focus for the development. As secured through the outline planning application, the adjacent reserved matters application also includes provision for the expansion of the cemetery to provide for additional burial spaces and this will help to mitigate any impact on the non-designated heritage asset. It is not considered that the additional 31 units proposed or the higher density development proposed in conjunction with the reserved matters application individually or cumulatively erodes the significance of the chapel as a non-designated heritage asset or its setting.

Due to the distance of the development site from other listed buildings in Sileby, it is not considered that the significance of these assets or their settings will be affected by the reserved matters proposals.

In conclusion and in accordance with the guidance contained within the NPPF and

Core Strategy Policy CS14 the proposed development will not cause either substantial or less than substantial harm to the significance of the designated and non-designated heritage assets and would be considered to be acceptable.

### **Developer Contributions**

Core Strategy Policy CS 24 requires the impacts of new developments to be mitigated through the use of planning conditions and planning obligations secured under S106 of the Planning Act. CS3 seeks the delivery of affordable housing having regard to market conditions, economic viability and other infrastructure requirements.

Policy CS17 and CS18 seek to ensure that development mitigates the impact of the development in terms of the highway network and Policy CS24 seeks to ensure the appropriate delivery of infrastructure.

The NPPF advises that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

The following S106 contributions are sought.

<b>Organisation requesting a contribution</b>	<b>Amount</b>	<b>Location of spend</b>	<b>CIL assessment</b>
Affordable Housing	30% requested	On site	The requested provision on site in mix agreed in compliance with Policy CS3.  Recommendation: CIL compliant
West Leicestershire Clinical Commissioning Group (Healthcare)	£14,395.92	The proposed site is within the practice boundary of the two GP practices in Sileby. The Off-site contribution would contribute towards healthcare enhancement at the two practices in order to meet the demands of the development.	The requested funds are needed to improve capacity at nearby primary healthcare services in order to mitigate the impacts of the development.  Recommendation: CIL compliant
Leicestershire County Council Education	£135,705.60	Improvements to capacity in primary education within 2	All Schools identified fall within the catchment of the

		miles of the site where there would be an increased deficit of pupil places following the completion of the development.	application site and therefore is directly related in scale and kind to the development proposed.  Recommendation: CIL compliant
Leicestershire County Council Library Services	£940.00	The contribution is sought for research e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development.	The development will impact on local library services in respect of additional pressures on the availability of local library facilities  Recommendation: CIL compliant
Leicestershire County Council Highways	Travel Packs: one per dwelling at £52.85 per pack  Bus Passes: 6 month bus passes, two per dwelling at £1020 per dwelling	Travel packs: Provision for new residents of the development  Bus passes: Provided to new residents of the development	The contributions would contribute towards sustainable travel choices in accordance with Policy CS17 of the CS and the NPPF.  Recommendation: CIL compliant
Charnwood Borough Council Open Spaces	On site provision and £43,268.73 or off-site improvements	Parks, Natural and Semi Natural Open Space and Amenity Green Space. Provision for Children (LEAP), provision for young people, and allotments are being met on site. £43,268.73 is requested for offsite outdoor sport provision.	In accordance with policy CS15 of the CS, on site public open space is to be provided and has been secured by the existing Section 106 agreement linked to the outline planning permission and is to be delivered on the wider site the majority of which will be in an earlier phase of the development. The

			<p>Councils Open Spaces Team will confirm a number of projects which the offsite contribution could fund and it would be within the vicinity of the site.</p> <p>Recommendation: CIL compliant</p>
Leicestershire County Council Waste Services	£1602.00	£1602.00 is requested towards enhancing the capacity at the Mountsorrel Household Waste Centre;	<p>The proposal would directly result in additional footfall to the waste and Recycling Centre.</p> <p>Recommendation: CIL Compliant</p>
NHS University Hospitals Leicester	£13,805.00	£13,805.00 is requested for gap funding to improve the capacity of secondary and tertiary healthcare at University Hospitals Leicester until such time that government funding streams become available.	<p>Recommendation: Not CIL compliant</p>

In respect of the request made by NHS University Hospitals Leicester, there are two main issues which arise in the context of the request for a contribution; Whether the contribution sought makes up funding which is intended to be provided through national taxation and therefore can lawfully be made subject to a valid s106 obligation having regard to the requirement such payments must serve a planning purpose and have a substantial connection to the development, and whether the contribution sought is in any event meets the requirements of reg. 122 of the Community Infrastructure Levy Regulations 2010 by reference to the requirements of whether they are (a) necessary to make the development acceptable in planning terms (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

In considering whether the contribution would make up a funding gap, in the case of this site, it is considered that the site is committed to provide 170 homes since outline planning permission was granted for the wider site in 2017. The additional 31 units proposed by this full application are to be delivered in the last phase of the development, thus, there is sufficient time for NHS University Hospitals Leicester to secure the necessary funding prior to the additional 31 units being constructed and occupied. It is not therefore considered that this development would result in a shortfall in funding in the short term. Therefore, it is also not considered that the request made by NHS University Hospitals

Leicester would be CIL Regulation compliant, in that it would not make an otherwise unacceptable development acceptable and therefore cannot be requested.

## **Conclusion**

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise.

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

The principle of development in terms of the uses proposed on this part of the site and the impact on the wider highway network, flooding and wildlife has been considered and deemed acceptable through the approval of the outline planning permission for the wider site. However, an additional 31 units within the site would not conflict with policies CS1 or policies G1 or H2 of the Sileby Neighbourhood Plan. Paragraph 123 of the NPPF is clear that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. The additional 31 homes proposed on a site which has an extant planning permission would make more effective and efficient use of the land and is given significant positive weight.

When considering the layout of this part of the site in conjunction with the surrounding reserved matters application, it is considered that the proposals relate to the built form and settlement character of this area of Sileby and would preserve amenity for existing residents and create a high quality environment for future residents. The housing mix is considered acceptable both in terms of meeting local need and respecting the character and appearance of the area. The proposals would have no additional greater impact on Ecology or Heritage assets.

The validity of the full application proposed inset from the adjacent reserved matters application site and its consistency with the outline planning permission has been carefully considered and it is concluded that the proposal for an additional 31 units would not undermine the indicative principles and conditions approved as part of the outline planning permission.

Accordingly it is recommended having regard to the above considerations that planning permission is granted conditionally.

## **RECOMMENDATION A:**

Subject to the approval of the Reserved Matters application P/19/1683/2 that authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal agreement under S106 of the Town and Country Planning Act 1990, on terms to be finalised by them, to secure the following infrastructure improvements:

- A contribution of £135,705.60 towards Primary Education
- A contribution of £14,395.92 towards primary healthcare
- A contribution of £43,268.73 towards off site outdoor sports facilities
- A contribution of £940.00 towards library services
- A contribution of £1602 towards waste facilities
- A contribution of 30% on site affordable housing
- A contribution of £33,258.35 towards Bus Passes and Travel Packs
- An agreement that no unit will be occupied until the necessary supporting infrastructure, including green space, provided by way of associated applications P/19/1683/2 and P/17/1578/2 has been provided.

## **RECOMMENDATION B:**

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

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

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

2. The development hereby permitted shall be carried out and the use operated only in accordance with the details and specifications included in the submitted application and as shown on the drawings below;

Approved Drawings:-

Drawing Schedule- Sileby 31 Plots 1202\_001 H

Planning Layout 31 Plots 1202\_105 P07

Materials and Boundary Treatment Plan 1202\_201 P04

Phasing Plan 1202\_500 P01

Soft Landscaping - GL 1193 901E

E135-00-01C PRELIM FFL C

DH200GE-4 (AS)

DH200GE-4 (OP)

DH302GE-4 (AS)

DH302GE-4 (OP)

DH302GI-4 (OP)

DH313B-4 (AS)

DH313B-4 (OP)

DH318B-4 (AS)

DH425G-4 (AS)

DH425GH-4 (AS)

DH427B-4 (AS)

DH427B-4 (OP)

DH430R-4 (OP)

DH291GE-4 (AS)  
DH291GI-4 (AS)  
DH291GI-4 (OP)  
DH391GE-4 (AS)  
DH391GE-4 (OP)  
DH392GE-4 (OP)  
LG1-4  
LG4-4  
SG1-4  
SG4-4

REASON: For clarity and the avoidance of doubt and to define the terms of the permission

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number S1202\_105. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

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

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

5. The development hereby permitted shall be carried out in phases in accordance with the submitted Phasing Plan 1202\_500 P01 unless otherwise agreed in writing by the local planning authority. In addition no dwelling, hereby permitted, shall be occupied until the open space and infrastructure to serve phase 3, as indicated on the above phasing plan, has been provided and made available for use.

REASON: to ensure the additional 31 plots are delivered concurrently with the adjacent reserved matters application and to ensure the necessary infrastructure is in place to support the additional residential properties

6. Prior to built development commencing a schedule of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. the development shall be carried out in accordance with the approved details.

REASON: To ensure the satisfactory appearance of the development

7. Prior to the commencement of development, including site works, until a Phase II ground investigation shall be undertaken to establish the full nature and extent of any contamination of the site and the results of the investigation together with details of any remediation strategy necessary to render the site safe shall be submitted to the local planning authority for their assessment and written approval. Any remediation works required by the approved strategy shall be carried out in accordance with the approved remediation strategy.

ii) Upon completion of the approved remedial measures a site verification report shall be provided to the satisfaction of The Local Planning Authority including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use.

iii) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To protect human health and the environment and to identify potential contamination as the site lies within influencing distance of a former landfill waste disposal site and there is a possibility of risk from migrating landfill gas.

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme and a timetable for its delivery has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

9.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure the necessary drainage infrastructure is in place prior to the development being brought into use.

10. 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.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

11. 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.

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.

12. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

REASON: In the interests of the amenity of adjacent occupiers.

The following advice notes will be attached to a decision

1. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of policies CS1, CS2, CS3, CS13, CS16, CS24, EV/1, TR18, G1, G2, H2, H3, H4 and ENV6 and, therefore, no harm would arise such as to warrant refusal of planning permission.
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.

### **RECOMMENDATION C:**

In the event that the Reserved Matters application P/19/1683/2 is refused, it is recommended that this application also be refused for the following reason:

The application site is located within three parcels of land that are not physically connected to any surrounding built forms or existing infrastructure and would therefore fail to respond to the surrounding context. Furthermore, the development would not deliver the necessary infrastructure and mitigation in terms of access, drainage, open space, ecology and landscaping and would not therefore constitute sustainable development being contrary to policies CS2, CS13, CS15 and CS24 of the Core Strategy (2015), saved policy EV/1 of the Local Plan, policies G2, H2 and ENV6 of the Sileby Neighbourhood Plan, and the National Planning Policy Framework.

