

## For Plans Committee – 1<sup>st</sup> December 2021

### Additional items received since the report was drafted.

**Pages** 5-33

**Site Address:** Land at Ashby Road, Markfield

**Item No.** 1

**P.A. No.** P/21/1260/2

#### Issue 1

Following the publication of the original report responses have been received from the Lead Local Flood Authority and the Council's Environmental Health Officer who state:

Environmental Health – no objections subject to planning conditions relating to land contamination and the requirement of a noise mitigation scheme and verification report.

Lead Local Flood Authority – comments not yet received.

Full copies of the responses have been placed on the planning file which can be viewed on [www.charnwood.gov.uk](http://www.charnwood.gov.uk) .

#### Issue 2

Leicestershire County Council Education have highlighted, following the publication of the report, that the contribution requested towards Primary School education is towards Mercefield Primary School, Markfield or a school within the vicinity not Newtown Linford Primary School as indicated in the committee report.

#### Issue 3

Two additional representations have been received from local residents, since the publication of the report agenda pack. Full copies of this correspondence is available on the planning file and can be accessed through [www.charnwood.gov.uk](http://www.charnwood.gov.uk) . However, the matter(s) raised are summarised below:

1. Markfield Neighbourhood Plan is not referenced in the report and must be taken into account.
2. The approval of 290 homes in Markfield is also not referenced or given any weight.
3. The Wildlife Officer Report contained on the HBBC linked planning application online file is missing from the Charnwood online application file. The report clearly states that from the wildlife perspective the proposal has not met the requirements to agree the application.
4. Site sits at the very edge of Charnwood Borough with the nearest schools and doctors within the Charnwood Borough being several miles away, which is unsustainable. No direct bus to Loughborough. Residents would want to use Markfield services and this would have an additional impact on Markfield, set against the agreed 290 house development already approved in Markfield.

5. Council have fast tracked the process without due-diligence or an open and transparent process. No reference to multiple rejections of this application. If application had been part of HBBC then application would not have been approved.
6. Charnwood Borough Council are going against its own policy on climate change and sustainability and completely ignoring the elected plans and wishes of a Community the development is building in. This proposal will have little or no impact upon Charnwood's communities/the elected persons they serve whilst gaining all the financial benefits.
7. Site not identified by Charnwood Borough Council as a possible area for development
8. The affordable housing in this development will be of no use to Markfield or its residents as only those on Charnwood's housing register will be able to apply and anyone living in Markfield or that has a connection to the village waiting on the HBBC register for housing in the village will be ineligible.

**Officer Response:**

Issue 1

Following the comments from Environmental Health further planning conditions in regard to noise mitigation on site are necessary to ensure the development is acceptable. Recommended condition 20, identified in the following section, requires a scheme protecting the properties from noise to be submitted and approved by the local planning authority and undertaken in full prior to occupation of each dwelling. Amendments have been made to the contaminated land conditions in line with the requests from environmental health, an additional condition requiring a verification report to be submitted has also been added, see recommended conditions 14-16.

The comments from the Lead Local Flood Authority have not yet been received, however these have been provided to Hinckley and Bosworth Borough Council, where they state no objections subject to conditions. The conditions have been updated accordingly.

Issue 2

The original report identifies that Section 106 contributions towards primary school education are sought towards Newtown Linford Primary School. Unfortunately, this was a drafting error and should read Mercenfield Primary School in Markfield. Whilst the site is within the catchment for Newtown Linford Primary School it is highly constrained with no capacity to expand. Due to the proximity of the site to Mercenfield Primary School a contribution is requested for improving, remodelling or enhancing existing facilities to accommodate the additional school places generated.

Recommendation A is therefore updated accordingly in the section below.

Issue 3

1. The HBBC Core Strategy and the HBBC Site Allocations and Development Management Policies Development Plan Document and the Markfield

Neighbourhood Plan form part of the Development Plan within the administrative boundary of Hinckley and Bosworth Borough Council. They do not have primacy under S38(6) of the Town and Country Planning Act 1990 in Charnwood.. The HBBC Core Strategy essentially seeks to prioritise development to settlements in a hierarchy defined by settlement limits and seeks to control development in the countryside to appropriate uses. This is very similar to the approach in Charnwood's own core strategy and the principles set out in the NPPF.

The Markfield Neighbourhood Plan was made by Hinckley and Bosworth Borough Council in September 2021. It allocates a site for housing to the south of the village and provides a range of policies including those to manage and assist decision making such as for design, landscape, biodiversity, heritage, climate, open spaces and community facilities.

While the policies in the HBBC development plan have been considered and have helped inform the basket of community infrastructure and benefits recommended to lessen the impacts of the proposal and in this regard they are a material consideration. However, they do not have any control over the principle of development in Charnwood Borough and the proposal must therefore be assessed in light of the Charnwood Core Strategy and saved local plan policies in the normal way.

2. When assessing the impact of the development upon the existing infrastructure and the identification of appropriate mitigation existing consented/committed schemes are considered. It is not necessary to identify each individual scheme/application approved in the local area individually in the report. The proposed housing falls within Charnwood Borough Council, who cannot demonstrate a 5 year housing land supply, as outlined in the original report. In accordance with the NPPF significant weight should be given to the provision of housing in the planning balance.
3. An Ecological Appraisal was submitted with the application. However due to the sensitivity of ecological data these documents have not been published on the Councils website. Whilst the document is not on the public access file it forms part of the planning file and a copy could have been requested. It is noted that Leicestershire County Council Ecology, who act as consultees on ecology matters for HBBC, have deferred the assessment of the ecological appraisal to Charnwood Borough Council, due to the majority of the site being within its administrative boundary.
4. It is acknowledged in the report that the site is in close proximity to the village of Markfield and future residents are likely to access services and facilities, including public transport from this village. The site is adjacent to the settlement limits of Markfield, which is considered to have the range of services and facilities consistent with a Service Centre when assessed against the Charnwood Core Strategy (2015). The site is therefore adjacent to a sustainable settlement. Contributions are sought towards Markfield Medical Centre. Please note that a typographical error is included within the Infrastructure section which states that contributions are sought towards Barrow Health Centre, this should

read 'Markfield Medical Centre'. As discussed in Issue 2 the primary school education contribution request is to go to the primary school in Markfield. Contributions requested are therefore acknowledging the use of Markfield facilities by the proposals future residents. Through discussions with Hinckley and Bosworth Borough Council it is confirmed that there are sites within Markfield which the off-site open space contributions can be spent to mitigate the impact of development. Recommendation A has been amended accordingly.

5. The application has followed the due process outlined within the Development Management Procedure Order (2015). The report identifies the number of objections received for this application and lists the issues raised. All comments are available on the Councils planning webpage for transparency.
6. As discussed it is acknowledged that any future residents of the site are likely to access the services and facilities of Markfield, which is considered to be a sustainable settlement. Whilst the site is on the boundary of Charnwood Borough and outside the settlements which fall within its administrative area, this boundary is an arbitrary line which does not exist on the ground and the adjacent land uses must be taken into consideration when assessing the suitability of the site.
7. The site is not identified as an allocation in the current Charnwood Local Plan. The site is also not identified within the emerging Local Plan as a possible allocation. However, each site must be assessed on its own merits against the development plan policies relevant to the site.
8. The affordable housing to be provided on site will meet the requirements of Policy CS3 of the Charnwood Core Strategy (2015). The eligibility for the affordable housing will be based upon the Council's requirements for the borough. It is important to note that the affordable housing provision is a benefit to the borough as a whole not just the Parish it sits within or is adjacent to.

**Recommendation:**

No change to the recommendation for approval.

For clarity recommendation A and B are updated below to reflect the amended planning conditions and the clarification for the primary school education contribution.

**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:

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

## 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	Application for the approval of the reserved matters shall be made within three years of the date of this permission and development shall
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	<p>commence within three years of the date of this permission or within two years of the date of approval of the last of the reserved matters, whichever is the later.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
2	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> <li>• 001 Revision B Site Location Plan</li> </ul> <p>REASON: To provide certainty and define the terms of the permission</p>
4	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council’s identified need profile in order to ensure that the proposal complies with Development Plan policy CS3, and the advice within the NPPF.</p>
5	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ol style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including hard surfaced areas;</li> <li>ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;</li> <li>iii) finished levels or contours within any landscaped areas;</li> <li>iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</li> <li>v) functional services above and below ground within landscaped areas; and</li> <li>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</li> </ol> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 of the Development Plan</p>

6	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policy CS2 of the Development Plan and associated national and local guidance.</p>
7	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> <li>i. 0.07ha multi-functional green space area</li> <li>ii. 0.45ha of natural and semi-natural open space</li> <li>iii. 1 equipped LEAP</li> <li>iv. 0.10ha multi-functional green space area</li> <li>v. A young people's equipment/facilities</li> </ul> <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15.</p>
8	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
9	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water run-off quality, and to prevent damage to the final surface water management systems though the entire development construction phase.</p>
10	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.</p>
11	<p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p>

	<p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>
12	<p>No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:</p> <ul style="list-style-type: none"> <li>• Details of the management of surface water during construction</li> <li>• Details of construction vehicle parking</li> <li>• Details of construction traffic routeing</li> <li>• Hours of operation for construction and delivery of materials</li> </ul> <p>REASON: To ensure that the development does not cause harm to amenity, biodiversity or the environment during the construction phase and ensure compliance with Development Plan policies CS2 and CS16.</p>
13	<p>Prior to occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS15 and CS16.</p>
14	<p>No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework</p>
15	<p>If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework</p>



16	<p>Upon completion of the remediation works, required by condition 15 and 16, a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework</p>
17	<p>No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.</p> <p>REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).</p>
18	<p>No part of the development hereby permitted shall be first occupied until a framework/full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
19	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. As a minimum these details shall include:</p> <ol style="list-style-type: none"> <li>1) The retention and enhancement of important ecological features including grassland, hedges and associated ditches.</li> <li>2) Prior to the occupation of any dwelling a Biodiversity Management Plan (BMP) will be prepared and implemented.</li> </ol> <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF</p>
20	<p>Development shall not begin until a scheme for protecting the proposed dwellings from noise from all issues highlighted in the supporting MEC Noise Assessment Report, Ref: 20860-04-NA-01 Rev A has been</p>

	<p>submitted to and approved in writing by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.</p> <p>REASON: To protect the amenity of future occupants in regard to noise pollution in accordance with Policies CS2 and EV/1 of the Charnwood Local Plan.</p>

**Pages:** 34-74

**Site Address:** Land off Humble Lane, Cossington

**Item No.2.**

**P.A. No.** P/20/2393/2

Since the publication of the committee report, correspondence has been received on behalf of Sileby Town Rugby Club. A financial contribution of £66,522.40 towards the improvements to the car parking facilities at the Platts Lane Recreation ground has been requested along with supporting evidence to demonstrate need.

Additionally, it has been noted that the early years education contribution request was not included in the recommendation set out in the main committee report. A contribution of £98,422.35 is requested by the County education authority to provide early years learning facilities for the demand generated by the development at the new primary school, or to improve, remodel or enhance existing facilities at existing early learning centres in the locality.

Further information has been received from the Leicestershire Highway Authority regarding the provision of a Travel Plan Coordinator to be secured in the S106 Agreement. This request has been previously considered in the main committee report and concluded not comply with the CIL regulations.

Also, further information has been received from the Cossington Parochial Church regarding the request for a contribution towards the provision and enhancement of community meeting facilities in Cossington.

### **Officer Response:**

#### Sileby Town Rugby Club

A contribution of this nature would fall under the category of outdoor sports facilities, a contribution for which is already set out in the recommendation and forms part of the open space provision for the site. The outdoor sports contribution requested is in line with the Council's adopted Playing Pitch Strategy. An additional outdoors sports contribution cannot therefore be secured at this time as it would not comply with the CIL regulations. The procedure for the Rugby Club to access the outdoor sports contribution for their identified project would be to make a separate application to the Council's Open Spaces Department.

#### Early Years Education Provision

The contribution has been assessed and is considered to comply with the CIL regulations and would allow the necessary infrastructure to be provided to mitigate the impact of the development to comply with the provisions of policy CS24. The contribution should therefore be added to the recommendation A.

#### Travel Plan Coordinator

The additional information has been assessed and it is considered that the appointment of a Travel Plan Coordinator would comply with the CIL regulations to

mitigate the impact of the development to comply with the provisions of policy CS24. The appointment of the Travel Plan Coordinator should therefore be added to the recommendation A.

### Cossington Parochial Church

The additional information submitted by the Cossington Project Group on behalf of the Church has been assessed. The contribution requested has been amended to £200,000.00 which is a reduction from the initial request of £437,500.00. The additional information submitted has been assessed and the contribution requested is considered to comply with the CIL regulations to mitigate the impact of the development to comply with the provisions of policy CS24. The contribution should therefore be added to the recommendation A.

### **Recommendation:**

No change to the officer's overall recommendation. However, it is recommended the following obligations are now included within Recommendation A;

### Recommendation A:

The following additional contributions to be secured in accordance with Policies CS24:

- A £98,422.35 contribution towards early years provision in the locality
- The appointment of a Travel Plan Coordinator
- A £200,000.00. contribution towards the provision of and enhancement of community meeting facilities in the locality

**Pages** 75 - 110  
**Item No.** 3  
**P.A. No.** P/21/0738/2

**Site Address:** Land of Barnards Drive Sileby

Issue 1

Since the publication of the report agenda pack a number of small errors have been noticed in the report. These are minor in nature and do not affect the recommendation. These are;

1. On page 75 the application reference number is erroneously cited as P/20/0738/2.
2. On page 82, the report states that the states that "*As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.*"

**Officer Response:**

1. The correct reference number is P/21/0738/2.
2. This should instead state "*Given the nature of the application proposals, it is not considered that the application would constitute EIA development.*"

**Recommendation:**

**No change to recommendation**

**Pages** 75 - 110

**Site Address: Benscliffe Cottage, Benscliffe Road, Newtown Linford**

**Item No.** 4

**P.A. No.** P/20/1526/2

Issue 1

Since publication of the report, further consultation has been undertaken with the Councils Senior Ecologist in response to comments made by the applicant in respect of condition 4 as set out on page 128 of the report. It is recommended that a phase 1 Ecology Survey is not required but a Bat Mitigation Strategy remains to be required.

**Officer Response:**

The Council's Senior Ecologist considers that given there would not be a significant change in the footprint of development, on reflection it would be disproportionate to require a full survey to be submitted. It would however be expected that mitigation and the opportunity for improved habitat be explored with the landscaping scheme which remains to be included within recommendation A.

**Recommendation:**

Amendment to condition 4 contained within recommendation A as below;

No development shall commence until a Bat Mitigation Strategy has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed Strategy.

REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.

ENDS