

Item No. 3

Application Reference Number P/21/0535/2

Application Type:	Full	Date Valid:	09/03/2021
Applicant:	Owl Partnerships Ltd & Nottingham Community Housing Association Ltd & Inside Land (South) Ltd.		
Proposal:	Residential development comprising the erection of 55 dwellings with associated infrastructure, access, landscaping and public open space.		
Location:	Land off Homefield Road Sileby Leicestershire LE12 7LZ		
Parish:	Sileby	Ward:	Sileby
Case Officer:	Deborah Liggins	Tel No:	07864 603401

This application is brought to Plans Committee at the request of Councillor Paul Murphy who has concerns that the proposal represents unwarranted housing development in the countryside and which will be prominent in the local landscape and contrary to Sileby Neighbourhood Plan.

Description of Application site

The application site measures approximately 1.72 hectares and is located on the western edge of Sileby outside of but adjoining the defined settlement limits. The site is accessed via Homefield Road which connects with Seagrave Road and the village centre to the south east. There is also a gateway from the existing public right of way to the south of the site. (Public footpath I46 which leads from Barrow Road, across the railway to King Street). The site is located approximately 500m to the north of the village centre.

The site sits on an elevated landscape ridge of exposed agricultural pasture land between two tributary valleys overlooking the Soar Valley. The ridge forms the north western limit to Sileby and extends along the north-western edge of the site boundary with land falling away to the south east and north-west. A remnant hedgerow divides the site (running north/south) and is to be wholly removed as a consequence of the proposal and a further hedgerow, forming an east-west boundary as the land begins to taper in shape to the south is to be partially removed to create the access to the public open space. Trees within this hedgerow are subject to a group tree preservation order.

The land has an undefined boundary with the open countryside to the north-west and ground levels falling away beyond the line of existing housing on the north side of Homefield Road. A mature hedgerow demarcates the boundary shared with the Redlands Primary school playing field to the south east. The north-east is the existing residential development consisting mostly of 1.5 storey properties constructed in the 1970's and the western boundary abuts with the cutting for the railway line which provides a substantial physical barrier and an abrupt edge to the site.

According to government mapping, the whole of the site lies within Flood Zone 1 and is therefore land with a low probability of flooding. The land is also located within a minerals safeguarding area for the sand and gravel.

The site is a proposed housing site allocated in the emerging local plan, which has been submitted for Examination but its policies, at this time, carry little weight.

Description of the Proposal

The application seeks full planning permission for the erection of 55 affordable homes comprising a mix of shared ownership and affordable rent properties of various types and sizes as set out below:

- 10 x 1 bed – 2 person maisonettes 50sq.m. – 62 sq.m. - (standard is 50 sq.m.)
- 6 x 2 bed – 3 person bungalows 57.7 sq.m. – (standard is 61.sq.m)
- 31 x 2 bed – 4 person houses – 71 sq.m. – (standard is 79 sq.m.)
- 7 x 3 bed - 5 person houses – 85.5 sq.m – 89 sq.m. – (standard is 93 sq.m.)
- 1 x 4 bed - 6 person houses – 102 sq.m. – (standard is 106 sq.m.)

TOTAL = 55 units

A plan received on 21st January 2022 shows that the proposed 55 units would have a tenure split as follows: 66% (37 units) would be for rent and 34% (22 units) would be for shared ownership and this is the mix recommended in the Sibley Neighbourhood Plan.

There would be a mix of two storey and single storey dwellings arranged in streets leading off the main spine road which terminates in a cul-de-sac to the south of the site. Dwellings would be served by private gardens and car parking spaces and would be a mix of materials including buff brick, red brick, render and tiled roofs as set out on Plan No. 41273/006H received on 21st January 2022.

The proposed housing development would be accessed off Homefield Road which is a residential access road with a carriageway width of approximately 5.5m with 2m wide footpaths on either side. Speed limits here are 30 m.p.h and the street is lit with lighting columns. Approximately 50m along Homefield Road is the junction with Park Road which has similar characteristics and wide grass verges to parts of its southern side.

The tapering land to the south of the proposed housing is proposed as public open space with associated landscaping, a drainage easement, and footpath to connect to the public right of way which runs to the north of dwellings on Highbridge. An 11m wide landscaping buffer is proposed along the north-western boundary, where it meets other agricultural land. The scheme includes public open space and an on-site attenuation basin to take surface water run-off as part of a sustainable urban drainage scheme before being brake-discharged into the public sewer to the south of the site.

Each dwelling would have 2 off-street car parking spaces with the exception of Plots 22 & 23 and Plots 30-37 – these being the 10 No. 1 bed 1 person maisonettes. Plot 40 would have 3 off-street spaces as this is the 4 bed dwelling.

The application is accompanied by the following supporting documents which are available to view in full on the Council's website:

- Design and Access Statement – prepared by rg&p – this report describes the proposed development and appraises the site and its surrounding context. This document also sets out the planning history of the site and explains how the proposal would accord with relevant policies and plans.
- Planning Statement – prepared by Marrons Planning – this report includes an assessment of the proposal and seeks to demonstrate that there are no adverse impacts of the proposal that would significantly and demonstrably outweigh the benefits.
- Road Safety Audit Report prepared by Midlands Road Safety Limited – This is a combined Stage 1 & Stage 2 report & recommends that the access road tie-in with Homefield Road and its approach are fully assessed and that suitable street lighting is provided. It also recommends that sufficient inter-visibility is provided at the juncture of the driveway to No. 75 Homefield Road and the application site boundary.
- Noise Impact Assessment – prepared by Omnia – this report aims to identify and assess any surrounding noise-generating activities which may have the potential to constrain the development of the land. The assessment concludes that thermal double glazing will be adequate in controlling noise from rail traffic, but with a partially open bedroom and living room windows for certain plots, noise levels within habitable rooms will exceed adopted noise criteria and alternative ventilation for these rooms will be required. With regard to the playing fields to the east of the site, it is recommended that a 2m high acoustic barrier is installed along this boundary in order to adequately reduce noise levels.
- A written scheme of investigation for Archaeology – prepared by the University of Leicester Archaeological Services – this report provides a preliminary indication of the character and extent of any heritage assets in order that the heritage impact of the proposal can be properly assessed by the local planning authority. The report sets out that as the site has not been subject to previous evaluation, there is some potential for archaeology within it, since the site lies close to the medieval core of the village. The report sets out a methodology for further survey work and trial trenching.
- An Archaeological Evaluation of the site conducted by the University of Leicester – this follows on from the recommendations of the Scheme of Investigation and reports the results of excavating twelve 30m long trial trenches across the site. Some evidence of ridge and furrow was identified with associated gullies and two sherds of 18th-19th century pottery was recovered along with fragments of modern brick from the same period.
- A Landscape and Visual Assessment – prepared by PDP Associated – this document provides an assessment of the potential landscape and visual effects arising from the residential development of the site. The report considers factors

such as landscape quality, scenic quality, rarity, conservation interests, recreational value, representativeness, perceptual aspects and cultural associations.

- Affordable Housing Needs Statement – Prepared by Marrons Planning – this report considers the need for affordable homes in Charnwood and the relationship between affordable housing targets and delivery; whether needs are being met and the scale of any shortfall. The report then goes on to consider whether new development is likely to meet the need for affordable housing and seeks to understand its likely future supply. The report sets out that the delivery of affordable housing is an important material consideration which should be given significant weight where there is a high need or in circumstances where there is an under-provision. The report is appended by a statement from Nottingham Community Housing Association which also partners the scheme and clarifies that the development would qualify for grant funding from Homes England with the remainder of funding from the Nottingham Community Housing Association.
- Flood Risk Assessment – prepared by Hexa Consulting – this document assesses the suitability of the site and the proposed development in terms of flood risk and surface water run-off.
- Informal Building for Life Assessment – prepared by rg&p – this provides an assessment of the proposal against the ‘Building for Life’ criteria endorsed by the Government as a means of securing accreditation for development proposals which achieve good places to live with well-designed homes and neighbourhoods. The report concludes that the proposed development would achieve a top score and meet all of the assessment criteria.
- Tree Survey Report – This report provides a baseline to identify the arboricultural features associated with the development of the site. This report sets out that 1 No. category C tree and 4 No. category C hedges were identified as part of the survey with 3 of these hedges lying outside the site boundaries.
- Preliminary Ecological Appraisal Report (Rev B) – prepared by Red Kite – this report seeks to provide an initial assessment and overview of the nature conservation value in relation to the proposed development following a survey of the site undertaken in September 2020 by a suitably qualified ecologist. The study revealed there are no statutory or non-statutory designated sites within the application site boundary but identified a number of sites within 2 kilometres of the site. The research did not highlight any records of protected /notable species but numerous records exist of sightings within 2 km. The report concludes that there are no significant ecological constraints in relation to the proposed development. The information in this report is supplemented by a Biodiversity Impact Assessment received on 2nd November 2021 and updated on 24th November which concludes there would be a loss to the value of 4.99 habitat units if the development were to proceed and this would, in accordance with the Warwickshire County Council metric be equivalent to £166,129. Revised information has since been submitted which adjusts this amount as set out in the ‘Developer Contributions’ Section below.

- Transport Statement Rev V02 – Prepared by Hexa Consulting – this report provides traffic and transportation advice in relation to the proposed development of 55 dwellings which includes a new network of internal access roads, footways, off-street car parking and public open space. The purpose of the report is to detail likely transport matters and identify the expected highways impact of the scheme on the local transport network, taking account of local and national policies. The report also includes a swept path analysis for larger vehicles and TRICS (Trip Rate Information Computer System) data to calculate likely daily vehicle movements. This report concludes that the proposal would be acceptable in highway terms.
- Technical Transport Note – prepared by Tatum Consulting – provides a response to the local highway authority and additional TRICS data and accident data.

Additional information and amended plans were submitted on 2nd November 2021 and subject to a further round of consultation.

Development Plan Policies

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2011-2028, 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 (made January 2020) also forms part of the development Plan and is relevant to this application.

The Core Strategy was adopted on 9th November 2015 and set out the overarching aims and objectives for development in the Borough. This included provision for 13,940 dwellings over the plan period, equivalent to 820 dwellings per annum (dpa). As of 9th November 2020, the Core Strategy became more than 5 years old. As required by the National Planning Policy Framework paragraph 74, where Local Plans are more than 5 years old local housing need is to be assessed based on the standard methodology set out in national planning guidance. The standard methodology requires delivery of 1,111 dpa. On that basis and as of March 2021 the Council has a 3.34 years' housing land supply. The implications of the housing supply position on the planning balance to be applied to this planning decision along with the weight to be given to policies is set out under the consideration of the planning towards the end of this report.

Development Plan policies relevant to the determination of this planning application are set out below.

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Sileby as a “Service Centre” a settlement that has access to a good range of services or facilities compared to other settlements and where small scale development within and adjacent to settlement limits may be appropriate.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the

character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need. For Sileby it is expected that 30% of Affordable Housing will be provided on site.

Policy CS11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements. The Policy advises that it is intended to protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of these settlements.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 – Heritage – this requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their setting; supporting development which prioritises the refurbishment and re-use of disused or under-used buildings of merit; supporting development that is informed by and reflects relevant Landscape and Conservation Area Character Appraisals and Village Design Statements; and development that incorporates Charnwood's distinctive local building materials and architectural details.

Policy CS15 Open Space, Sports and Recreational - outlines that new developments must meet the open space standards set out in the Open Spaces Strategy, having regard for local provision and viability.

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS18 The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside, Green Wedge and Local Separation - This policy defines which types of development are acceptable in principle within areas of countryside and seeks to prevent significant adverse environmental impact.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

Sileby Neighbourhood Plan (2018-2036)

It was declared on Friday 16 January 2020 that the Sileby Neighbourhood Plan was successfully approved by majority at referendum and therefore now forms part of the development plan for Charnwood. The Policies considered to be of relevance to the proposal are:

Policy G1: Limits to Development - states that outside of the defined limits, development will be strictly controlled, save for development associated with agriculture, the provision of formal recreation or sport and finally, the provision of affordable housing through a rural exception site.

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 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.

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.

ENV5 – Ridge and Furrow – identifies areas of ridge and furrow earthworks as non-designated heritage assets. The application site is not identified within this policy which calls for any loss or damage arising from a development proposal is to be avoided unless it is to achieved sustainable development; the benefits of such development must be balanced against the significance of the ridge and furrow features as heritage assets.

Policy ENV6: Biodiversity, Hedges and Habitat Connectivity – expects development proposals to safeguard locally significant habitats and species and to create new habitats for wildlife. Development proposals which result in significant harm to biodiversity will be resisted unless the benefit of the development outweighs the impact and provided it can be adequately mitigated, or as a last resort, compensated for.

ENV7 – Protection of Important Views –identifies 5 important views in the plan area which development proposal must consider, assess and address with mitigation where appropriate.

ENV8 – Biodiversity Protection in new development - this requires that for new development of 2 or more houses to include measures for the protection and enhancement of local biodiversity and sets out how this can be achieved.

ENV9 - Footpaths and Bridleways – identifies the existing network of footpaths and bridleways in the plan area and states that the loss of or significant adverse effects upon them will not be supported.

Leicestershire Minerals and Waste Local Plan (Up to 2031)

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

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

Other material considerations

The Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies for the period 2019-37 and was approved by Council on 21 June 2021 for consultation and then submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six-week pre-submission consultation period that ran from 12th July to 23rd August 2021. The Plan was submitted for Examination on 3 December 2021 although its policies carry limited weight at the current time.

The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The NPPF policies of particular relevance to this proposal include:

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

Section 8: Promoting healthy and safe communities - Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places - The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Section 14: Meeting the challenge of climate change, flooding and coastal change - New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Planning Practice Guidance

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

National Design Guide

This document sets out the Government's design guidance to support the NPPF and seeks to inspire higher standards of design quality in all new development.

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

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

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. 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.

Building for Life 12

This document provides a framework by which to consider the quality of housing proposals to enable a conclusion to be reached of their overall design quality. development plan policies and are regarded as guidance at present. However, the standards have some weight in the planning balance.

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.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide (2018)

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Landscape Character Assessment

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape

character, at a sub-regional level that gives a further understanding of the landscape resource. The document ‘provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough.

The Charnwood Site Landscape Sensitivity Assessment July 2021

This report presents a landscape sensitivity assessment of a number of sites considered for development as part of the preparation of the Charnwood Local Plan 2021–2037. The purpose of the assessment is to consider the landscape sensitivity of sites, and ways that significant adverse impacts can be mitigated. The recommended mitigation measures have informed the draft Local Plan.

The assessment for the application site, referenced as PSH261 Homefield Road, Sileby, has been undertaken. This states that this prominent raised area of land provides extensive long distance views for the central, eastern and northern portions of the site out towards the north. The site is largely visually contained to the west, whilst to the south and east the site is contained by existing built form. There are long distant views to the south and south-west over the settlement with localised views from Homefield Road and Highbridge. There are some filtered views from Slash Lane and Mountsorrel Lane and the river Soar walkway. Views from Barrow Road are obscured by the railway embankment and dense vegetation.

The assessment concludes that development of the site would be a minor adverse impact on perceptual visual separation and this is therefore a harm to be weighed in the overall planning balance. The report concluded there would be nil or insignificant adverse impact in terms of the physical separation. Any development of the land would be perceived as infill development in the context of the settlement and the report suggests some mitigation measures, some of which are incorporated within the proposed scheme.

Relevant Planning History

Reference	Description	Decision & Date
P/74/1671/2	Use of land for residential development	Refused 14/08/1975
P/81/1109/2	Site for residential development	Refused 12/05/1981
P/99/1610/2	Erection of 23 detached bungalows and construction of access	Refused 18/02/2000 Appeal dismissed 18/8/2000

Consultation responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website

Consultee	Responses
Housing Strategy & Support CBC (Affordable Housing)	Notes the proposal is for 100% affordable units. 77% of these (33 units) should be for rent with 23% (22 units) being shared ownership. The service recommends that a Section 106 legal agreement secures a number of 2 bed wheelchair accessible bungalows with level access shower and 4 bed homes to rent.
The Environment Agency	Comments that there are no environmental constraints associated with the application and therefore makes no formal comments.
Leicestershire County Council – Minerals Planning Authority	The site is located within an area safeguarded for sand and gravel and it is noted that the application is not accompanied by a minerals assessment. However, having regard to the size and location of the site in close proximity to the built up area and constrained by surrounding land uses, the Minerals Planning Authority has no objection.
Leicestershire County Council – Lead Local Flood Authority	Considers the scheme is acceptable, subject to the imposition of conditions
Charnwood Borough Council – Env Health	The submitted Noise Impact Assessment identifies the site is impacted by rail noise and noise from the nearby school sports pitch. Rooms which would exceed minimum internal noise criteria would require acoustic trickle vents to meet Building Regulations. A 2m high acoustic barrier should also be provided along the playing field boundary
Charnwood Borough Council – Ecology	The BIA received on 2 nd Nov 2021 indicates a loss of biodiversity value which can be off-set through a developer contribution of £166,129 . This would be spent on an identified Leicestershire and Rutland Wildlife Trust project within the Living Landscapes (Soar Valley) area.
Charnwood Borough Council – Open Spaces	<p>Does not raise any objection to the proposal and sets out the open space requirements to be provided on site and seeks the ongoing management and maintenance of any on-site open space.</p> <ul style="list-style-type: none"> • Parks – 0.04ha • Natural and Semi-Natural open space – 0.26ha • Amenity Green Space – 0.06ha • Provision for children – 1 LEAP facility (or £14,666 off-site spend) • Provision for young people – 1 facility (or £52,470 off-site spend) <p>In addition, contributions to off-site provision are requested where need is not met on site in accordance with Policy CS15:</p>

	<ul style="list-style-type: none"> • Outdoor Sports Facility - £18,116 • Allotments - £6,211 • Indoor Sport - £52,681
Network Rail	<p>Comments that the revised plan showing the relocated SuDs facility further away from the railway means that it is able to withdraw its initial objection to the scheme and it makes no further comment on the proposals.</p>
Leicestershire County Council – Education	<p>Revised its initial request for monies based on increased cost multipliers published in May 2021. Requested amounts are therefore uplifted as follows:</p> <p><u>Primary</u> – The site falls within the catchment area of Sileby Redlands Community Primary School which has a net capacity of 420 and 408 pupils are projected on the roll should this development proceed – surplus of 12 pupil places. There are 2 other primary schools within a 2 mile walking distance of the site. Cossington Church of England Primary School has a surplus of 4 places and Highgate Community Primary School has a deficit of 120 pupil places.</p> <p>There are no s106 funded places in this area and therefore the 14 deficit places created by this development cannot be accommodated at nearby schools and a claim for an education contribution to off-set this is therefore justified. Amounting to £247,806.00 to be used to address capacity issues, improve, remodel or enhance existing facilities at Sileby Redlands Community Primary School or any other school within the locality of the development.</p> <p><u>Secondary</u> – the site falls within the catchment area of Humphrey Perkins School in Barrow-upon-Soar. This has a net capacity of 900 and 882 pupils are projected on the roll should this development proceed; a surplus of 18 pupil places. A total of 32 places are included in the forecast for this school from developer contributions arising from other developments and this increases the total surplus at the school to 50 pupil places. Consequently, no contribution to this sector is sought.</p> <p><u>Post 16</u> – The nearest Post 16 provision is Rawlins Academy at Quorn. This has a net capacity of 332 and 386 pupils are projected on roll should this development proceed; a deficit of 64 pupil places. A total of 8 places are being funded from developer contributions arising from other planning permissions, which reduces the total deficit to 56 pupil places (of which 54 are existing and 2 are created by this development). In order to provide the additional 2 pupil places a contribution of £28,700.60 is requested. This would be spent improving, remodelling or</p>

	<p>enhancing existing facilities at Rawlins Academy or any other school within the locality of the development.</p> <p>TOTAL - £276,506.60</p>
Leicestershire County Council - Libraries	<p>Requests £1,510 towards additional Leicestershire Library materials to meet the needs of the increased population to be spent at Sileby Library on Cossington Road which is the nearest facility to the development site.</p>
Leicestershire County Council – Waste	<p>Requests £2,342 towards enhancing householder waste and recycling provision at its centre at Mountsorrel.</p>
National Health Service Clinical Commissioning Group	<p>Requests contribution towards additional clinical accommodation to meet the needs of the increased population using services at the following:</p> <ul style="list-style-type: none"> • Highgate Medical Centre – £17,495.75 • The Banks Surgery - £23,009.25 • TOTAL £40,505
Severn Trent Water	<p>The connection of foul and surface water drainage would be subject to a Section 106 sewer connectional approval under the Water Industry Act 1991. Surface water should have a primary disposal to soakaways</p>
Sileby Parish Council	<p>The development does not overcome previous reasons for refusal at the site. There is no need for this quantum of affordable homes and the proposal does not meet the strict criteria of being a rural exception site and the proposal is contrary to Policy G1 of the Neighbourhood Plan. The additional housing is not needed. The site was considered for inclusion within the NP but was rejected amid concerns about the impact of any development on views of the landscape. It considers that the proposal would not accord with NP Policy G2(a) in that it would harm local distinctiveness and biodiversity. The Parish Council also object to the 2 storey houses on the ridge of the site, where bungalows have previously been dismissed at appeal. The design and layout of the proposal warrants the removal of hedgerows and that the hedge adjoining the playing field has value as assessed under NP Policy ENV6. The submitted transport assessment does not appear to have considered the cumulative impact of the development. There is no assessment of biodiversity. The Noise Survey was carried out at a suboptimal time. Flooding is an issue. No archaeological survey has been undertaken. Developer contributions should be secured.</p>
Council for the Protection of Rural England	<p>Objects to the application stating the proposal is contrary to the development plan and the NPPF and does not overcome previous reasons for refusal. The development would result in the loss of Grade 3 agricultural land and the CPRE consider there is no justification or need for the housing proposed.</p>
The Local Highway Authority	<p>The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with</p>

	other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in its report.
Leicestershire County Council as local highway authority	Requests the developer contribute £52.85 per dwelling towards travel packs for each property to inform new occupiers of their transport choices. These packs should include 2 application forms for bus passes which can be supplied by the County Council at a cost of £600 per pass. In addition a sum of £3,500 is requested towards raised kerb provision at the closest bus stop on Homefield Road to support modern bus fleets with low floor capabilities.

Other comments received

Objection letters have been received from the following interested third party residents. Please note that resident's comments can be read in full on the Council's website at

- Barrow Road – 87, 105, 82
- Herrick Close - 38
- Homefield Road – 77, 79, 83, 84, 86, 88, 89, 92, 93, 100, 109, 111, 155, 179, 183
- Loughborough Road, Hoton - 33
- Middle Orchard – 3
- Park Road - 22
- Phoenix Drive – 1
- Pryor Road - 20
- Ratcliffe Road Sileby – 159
- Seagrave Road – 18
- +6 others (addresses not supplied)

The resident's raise the following areas of concern with regard to the application:

- Schools, dentists, and local GP surgeries are full.
- Sileby is already overdeveloped and has no leisure centre
- Policing in the area is overstretched
- Sileby becomes an island during flooding events & the development will worsen this by removing 'soakaway' land.
- Sileby would lose its 'village' status
- Village centre car parking is full & roads would be gridlocked
- On-street car parking within the village causes congestion, especially on bus routes and Park Road which becomes dangerous in icy conditions.
- Increased accidents from heavy traffic through village at peak times
- The development is not needed – Sileby has already seen substantial growth
- Proposed sub-station should be relocated
- Loss of agricultural land & impact on wildlife
- The flood risk assessment does not consider sewer flooding – capacity issues
- Development in highly visible countryside

- Additional noise and disturbance
- The houses are not in keeping in terms of their design and materials
- Availability of previously developed land
- The field is of local historic significance known as 'Tommy Hunts' and used for sledging for 100's of years.
- A mixed housing development of affordable and open market units is preferred.

Ward Councillor Murphy opposes the application and is concerned about development in a prominent area of the countryside and that the need for this quantum of affordable housing is not demonstrated with quantities of affordable homes already being provided through other schemes currently being built out at Sileby. The CBC Housing Needs Assessment (2020) forms part of the evidence base for the emerging replacement local plan but identifies a Parish level requirement of 28 dwellings per annum until 2037. In the past 6 months, 14 of these have already been committed and the proposal with 100% affordable homes fails to demonstrate a local need and fails to create a mixed or balanced community. The proposal also fails to integrate existing landscape features and includes limited landscaping. The installation of the recommended acoustic fencing along the Redlands school boundary would impede the migration of protected species and the proposal does not recognise the foraging habitat of the existing land. The submitted Traffic Statement does not assess the junction capacities of King Street/High Street or Barrow Road/Mountsorrel Lane and other junctions. It is also considered that the submitted Noise Impact Assessment was undertaken at a sub-optimal time.

Non-planning matters that have been raised:

- The proposal will affect existing property values
- The land should be given to the school
- Disruption to the school throughout the construction period
- Sileby Parish Council comments that third party land ownership needs to be resolved before any development takes place – this is a private matter.

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy and the Sileby Neighbourhood Plan (2020). It is acknowledged that the Core Strategy and the Local Plan are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result, any policies

which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11(d) of the NPPF), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused. In situations where paragraph 11(d) of the presumption applies consideration should be given to paragraph 14 in relation to neighbourhood plans in the context of the authority having more than three years supply of deliverable housing sites and good housing delivery. The Sileby Neighbourhood plan (SNP) was made in 2020 and is more than 2 years old from the date of the referendum and does not therefore meet the criteria of paragraph 14.

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 7 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although this greenfield site is outside of the defined limits to development and within the open countryside it does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered that in this instance paragraph 11(d) (i) would apply. Therefore, 11(d) (ii) applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The main issues are considered to be:

- Principle of the Proposed development
- The provision of Affordable Housing
- Landscape and Visual Impact
- Design and Amenity
- Heritage
- Loss of Agricultural Land
- Transport and Highway Impact
- Ecology and Biodiversity
- Flood Risk and Drainage
- Developer Contributions
- Infrastructure

Principle of the proposed development

The application site is located outside but adjacent to, the Development Limits to the settlement of Sileby, as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development in the countryside outside of a relatively narrow set of criteria. Policy G1 of the Sileby Neighbourhood Plan states that development outside the limits to development will be carefully controlled. It says appropriate development in the countryside includes development for the provision of affordable housing through a rural exception site to meet a local need. This proposed

residential development is outside of the settlement limits shown in the Neighbourhood Plan and does not meet the definition of a rural exception site (as defined in the NPPF) and so does not meet policy G1. The development is at odds with these housing supply policies as it comprises a residential development that is outside the limits to development in the countryside.

The proposal does accord with Policy CS1 of the Core Strategy however. This policy outlines the development strategy for the borough and the distribution of sustainable growth. Within the settlement hierarchy, Sileby is defined as a Service Centre where there is a good range of services and facilities to meet the day to day needs of its residents and where new small scale development within and adjoining the settlement boundary is considered acceptable to maintain these things. It is the case that 4,460 homes have been committed in service centres since 2011 (and 1,060 homes in Sileby) although it should be noted the policy requirement for 3,000 homes in service centres is not a maximum figure.

The policies identified in this section are those that are the most important for establishing whether development of the site is acceptable in principle. Given the current lack of a 5 year supply of housing land, the above housing supply policies must be considered out of date. In these circumstances, the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

In this assessment it should be recognised the proposal would result in the provision of 55 affordable houses at a time then there is not a five year supply. Weighed against this benefit would be the conflict with the above policies which can be considered an adverse impact. However, given the 5-year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2, ST/2 and G1, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development plan's spatial strategy set out in policies CT/1, CT/2, ST/2 and G1, which seek to protect the countryside (noting that Policy G1 allows for affordable housing in the countryside as a 'rural exception' development to meet a local need), the proposal is in accordance with Policy CS1 which directs growth towards the largest settlements in the borough and provides for small scale residential development adjoining Service Centres. It is not considered that the identified policy conflicts would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned.

The site is proposed as a housing allocation site in the emerging replacement local plan under *Policy DS3 (HA54) Land off Homefield Road, Sileby*. The allocation of sites in the draft Local Plan represents the culmination of testing through evidence and sustainability appraisal. Whilst not a decisive factor, it is a material consideration in the determination of the planning application that the Council has considered the site as a suitable location for housing growth. As noted above, the emerging Local Plan carries limited weight at the current time.

In conclusion, Sileby is considered to be a sustainable location for new housing development and the housing figures expected to be delivered within and adjoining Service Centres are expressed as minimum figures. As such, despite the conflicts with the housing supply policies discussed above, it is not considered the impacts of

development adversely and significantly outweigh the benefits of this proposed affordable housing development. Accordingly, the proposal is considered to be acceptable in principle. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

Affordable Housing

Core strategy Policy CS3 normally applies to residential development proposals on sites of 10 dwellings or more and seeks 30% affordable housing provision on sites in Sileby. However, in this case the proposal is for 100% affordable units. The Charnwood Housing Needs Assessment 2020 concludes that the Borough affordable housing need is 476 dwellings per annum 2020-37 and this figure is stated within the emerging Local Plan (paragraph 4.25). The applicant has submitted an Affordable Housing Needs Statement which sets out that the Council are projected to complete 261 affordable dwellings per annum (based on 30% affordable delivery rate) in the next 5 years. Therefore, the Statement concludes that affordable housing delivery will not be sufficient to meet the net affordable housing need per annum and that the 55 affordable dwellings proposed at this site will help to boost supply in the short term. The provision of 100% affordable housing in the borough in light of need and such a demonstrable shortfall is therefore a significant material consideration.

Landscape and Visual Impact

Policy CS11 seeks to protect the character of the Borough's landscape and countryside by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of local Landscape Character Assessment. This policy is consistent with national planning policy and is considered to attract significant weight.

The site lies in the countryside but its eastern and south eastern boundary adjoins the settlement and its western boundary adjoins the Midland Railway which runs in cutting forming a considerable physical barrier. The natural character is permanent pasture bounded and bisected by hedgerow. The landform is that of a shallow dome affording extensive long range views northwards whilst being visually contained to the west for short to medium views then again with long distance views to the south and southwest. Prominent skyline features include the church tower.

The site does not currently play a key role in settlement separation and is not within the draft Local Plan Area of Local Separation extension. A public right of way to the lower southern corner connects over a footbridge to the village core.

The Landscape Sensitivity Assessment for SHLAA Sites 2019 examined the site as part of PSH261, which extended to the north/north-west. This study analysed the site in combination with several others and found them to have low-moderate sensitivity for 2-3 storey development. It noted that the sensitivity was moderate-high for historic landscape character, notably due to the site's proximity to the historic settlement edge and the Sileby Conservation Area. It noted that development of the site would be perceived as infill.

The site was further assessed in the Charnwood Landscape Sensitivity Assessment (July 2021) which noted that historically the site was pasture adjoined to wood pasture. The special landscape qualities of the site that are sensitive to change are:

- Gentle sloping domed landform
- Hedgerow and trees especially TPO
- Long range views open vistas across the Soar to the Charnwood uplands
- The setting of the Sileby Conservation Area
- Area of Local Separation – perceptually not physically

The application is supported by a Landscape and Visual Assessment. The proposed layout sees the proposed bungalows arranged around the north-western boundary of the site and grouped on the highest portion of ground with ridges and levels graduating downwards in the street scene towards the south-eastern boundary. The proposal also includes an 11m wide landscape buffer on the north-western boundary which can also assist in mitigating views of the site from the north and wider Soar Valley. The Landscape and Visual Assessment recommends that the landscape buffer to the northern boundary is a belt of woodland planting.

In terms of predicted visual effects, the key external views which would be affected are from Slash Lane and Mountsorrel lane and local walking routes. Most of the settlement other than Homefield Road housing is screened by high canopy trees. While the site itself is only glimpsed, the effect of elevated roof ridges would protrude above the canopy line and be much more noticeable. The long term mitigation this would require would be a great number of high canopy tree species to break up built form both within the development and the screening matrix to the northern boundary. The details of this screen and other landscaping is proposed to be controlled by the imposition of a suitably worded planning condition that includes tall tree species.

The hedge between the proposed housing and the public open space includes 31 Hawthorn trees which are subject to a 1974 group tree preservation order and none of these trees are indicated to be removed. The path to the public open space would, according to the proposed site layout plan, will be aligned to run between the position of these trees, enabling them to be satisfactorily retained. A detailed landscaping scheme is required by planning condition, together with a management plan which would demonstrate how landscaping would be looked after.

Policy ENV7 of the Sileby Neighbourhood Plan sets out that development proposals must consider, assess and address, with mitigation where appropriate, their impact on the important views identified in the Plan. One of these is the long range view of the north-west of Sileby bridleway 14 on the valley-side spur in the area beside the gypsum works and which looks over the valley leading from Canbyfield Lodge and towards the rear of Homefield Road properties. The proposal does not extend built form beyond the rear of those properties and it is therefore considered that the visual impact would from this identified viewpoint would not be harmful and the view would be preserved.

In summary, the proposal would maintain the separation between settlements as required by policy CS11 but would be noticeable in the landscape setting of the settlement and this is a minor harm of the proposal to be considered in the overall planning balance.

Mitigation in the form of a landscape buffer, retention of trees and appropriate site landscaping could be secured by planning condition.

Design and Amenity

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 Sileby Neighbourhood Plan seeks to reinforce local distinctiveness and supports contemporary or innovative design where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is considered that there is no need to reduce the weight that should be given to the policies in this regard.

Section 12 of the National Planning Policy Framework states that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 134 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed site layout shows a development served by a principal spinal road which is to be offered for adoption and a series of cul-de-sacs. It also shows the southern edge of the development would overlook the public open space and provide good pedestrian connection to the village centre for both new and existing Homefield Road residents. The proposed scheme represents a density of development which is comparable to the adjacent residential area to the north-east with bungalows proposed on the higher north-western edge of the development, tempered also with the 11m landscaped buffer zone.

Suggested separation distances for privacy and to avoid overbearing impact as set out in the adopted SPD on Design are largely met with the exception of Plots 16, 17, 26 and 26 where the back to back distance is approximately 1m short of the suggested 21m distance (not taking account of changes in ground levels) between opposing elevations containing principal windows. Whilst this distance is less than that recommended, it is not significant and the tenants of the dwellings would be aware of this when making their decision to occupy the homes. The proposed layout also has due regard for the privacy and outlook of occupiers of the existing dwellings at No 74 and 84 Homefield Road.

In terms of the amenity of potential occupiers, several of the dwellings fall slightly short of the internal minimum standards set out in Technical Housing Standards with most being around 3sq.m. short of those standards. This small shortfall is considered acceptable, given that the standards are guidance only and not policy.

In summary, the scale of the development, the mix of house types and use of materials, together with indicated landscaping are considered to provide generally good quality housing development that would accord with national and local design policies CS2, EV/2 and G2. Final details of materials, landscaping and boundary treatments could be secured by planning condition.

Heritage

Policy CS14 sets out how we will conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they require. The applicant has undertaken a desk top analysis of the historic significance of the site and in line with its recommendations, has followed this up with on-site investigations through trial trenching. Archaeological investigation is part of the assessment of historic assets and although the site is not close to listed buildings and is not within the Conservation Area, the significance of any archaeological remains forms part of the assessment of the planning proposals, to be weighed in the balance with other considerations.

In terms of the application site, 12 No. trenches were dug for evaluation with only 2 heavily truncated features being identified – one in the northern field (Trench 3) with another gully perpendicular to it in the central and southern field and visible also in trenches 5 and 11. Ridge and furrow was identified and the features appear to be on the same alignment. 18th-19th century pottery was recovered and it is likely that the features represent drainage relating to agricultural earthworks.

The historical significance of these features is in their discovery and recording and the survey results have now been deposited within the archives of the Leicestershire Museum Service. It is considered that there is no need for further archaeological investigation and there are no finds of such significance that development of the site would be prevented.

In summary, it is considered that the development accords with Policy CS14 and the requirements of the National Planning Policy Framework.

Loss of Agricultural Land

Core Strategy Policy CS16 states that development which protects environmental resources, including Best and Most Versatile Land, will be supported. Paragraph 174(b) of the National Planning Policy Framework also states that the economic and other benefits of the Best and Most Versatile Land should be recognised. Footnote 58 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Natural England have produced a range of Agricultural land classification maps and although these are not sufficiently accurate for use in the assessment of individual fields or sites and the classification does not subdivide grade 3 land, they nonetheless indicate quality over a more general area. In terms of the application site, this is regarded as Class 3 land and this is described as 'good to moderate' quality.

The application site is a pasture field and having regard to the relative limited size of the field and taking into account the submitted survey, it is considered that there would be limited harm as a result of the loss of this land for agriculture and this is to be assessed within the overall planning balance.

Transport and Highway Impact

Policy CS17 of the Core Strategy requires that major development proposals provide well-lit streets and opportunities for walking, cycling and public transport access to key facilities whilst saved Policy TR/18 of the Borough of Charnwood Local Plan sets out parking standards in respect of development proposals. Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A large number of objection letters were received referencing highway safety and congestion as concerns.

Homefield Road is a publicly maintainable unclassified road, subject to a 30 mph speed limit. The site benefits from two existing access points, the first at the southern end of Homefield Road to the north of the site and the second, from the existing Public Right of Way (PROW) to the south of the site.

The proposed site access has been designed to tie into the southern end of Homefield Road, effectively serving as a continuation of the road. The existing carriageway width is 5.5m and footway widths of 2m are to be continued into the site and throughout the proposed development. Information submitted on 2 November 2021 indicates the proposed access road would be offered for adoption to Leicestershire County Council via a section 38 agreement and lighting levels would be assessed as part of this process and would ensure that a suitable street lighting scheme would be secured.

In addition to the main vehicular access, a new pedestrian path is proposed through the open space to the south of the site that shall connect to the existing public footpath which runs in an east-west direction and over the railway line footbridge.

In terms of highway safety, the local highway authority has checked its records which confirm that there have been no Personal Injury Collisions within 500m of the application site in the last 5 years and it is concluded that the proposal would not exacerbate any existing road safety concerns.

The local highway authority has also examined the submitted information relating to proposed trip generation to and from the site and this shows that the proposal would be expected to generate 33 two-way trips in the AM peak period and a further 33 two-way trips in the PM period (taking account of COVID uplift factors). Whilst it is unlikely that any off-site junctions would be subject to a significant impact, it requested the applicant to supply an assessment of the junction capacity for the site in 2026 with development traffic flow conditions. Upon examination of the additional information, the local highway authority confirmed its satisfaction that the estimated flows were accurate and there is no need to modify existing road junctions to cope with the additional traffic generated by the proposed development.

The local highway authority has confirmed it is satisfied that a refuse vehicle can enter and egress the development in forward gear. The local highway authority has also confirmed that the internal road layout would meet adoption standards. The site layout provides links to existing footpaths, as required by policy T5 of the Sileby Neighbourhood Plan.

In terms of the proposed parking provision, the majority of dwellings will have two or three allocated off-street car parking spaces with the single bedroom dwellings being allocated one off-road parking space. The local highway authority considers this parking provision is acceptable, given the development is located within walking distance of Sileby village centre and a variety of services and amenities are accessible within short cycling times.

It is therefore concluded that the application proposals are acceptable and in accordance with Paragraphs 110 and 111 of the National Planning Policy Framework and policies CS17, TR/18 and T5 subject to planning conditions as recommended by the highway authority.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. Policy ENV6 of the Sileby Neighbourhood Plan identifies a hedge boundary of the site (the eastern boundary with the school playing field, to be located within the proposed open space) as being of biodiversity/historical importance. Policy ENV8 of the Sileby Neighbourhood Plan seeks the protection and retention of trees and hedges of ecological value on development sites.

The application is supported by Ecological Assessment and a Biodiversity Impact Assessment which have been evaluated by the Borough Council's Senior Ecologist.

The site is semi-improved grassland in a moderate condition. Having reviewed the submitted ecological report as supplemented by the Biodiversity Impact Assessment received on 2nd November 2021, it is considered that the baseline assessment is at the low end of what could reasonably be accepted as a reasonable assessment, however it has failed to distinguish the two grassland areas which are different in character and have a boundary feature between them. It has also neglected to identify areas that could be enhanced rather than lost and recreated. The proposed on-site habitats have inflated values beyond what could reasonably be expected to be delivered on site.

As submitted the calculations showed a net loss of 4.56 Habitat Units requiring a compensatory payment of £152,733. Through making reasonable adjustments to take account of the revised assessment set out above and making appropriate amendments to the values of created habitats, the Council's Senior Ecologist calculates the actual habitat loss to be -4.99 habitat units which would require a compensatory payment of £166,129,932. It is recommended that compensation if provided off-site in the form of a developer contribution, secured through a Section 106 legal agreement and spent on a suitable and identified Charnwood Borough Council or Leicestershire and Rutland Wildlife Trust project within the Living Landscapes (Soar Valley) partnership area.

An appropriate on-site landscaping scheme to include the retention of the important hedgerow can be secured by condition. Provided appropriate off-site mitigation is also secured, it is considered that the proposal would accord with Policy CS16 and ENV6 and ENV8 of the Sileby Neighbourhood Plan.

Flood Risk and Drainage

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is considered there is no need to reduce the weight afforded to this policy.

The site is wholly within Flood Zone 1 (low risk of fluvial flooding). The site is also at very low risk of surface water flooding and the Environment Agency raises no objection to the proposal.

The Leicestershire Lead Local Flood Authority has assessed the submitted information and notes that the application site is a greenfield site of 1.72 ha of which 0.73ha is to be impermeable. The surface water proposals seek to discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 5.1 l/s to a Severn Trent Water (STW) surface water sewer located to the south of the site.

Ground investigations have concluded that infiltration is unlikely to be a feasible method of draining the site. Planning conditions will require the submission of details relating to a suitable surface water drainage scheme, together with its ongoing management proposals.

It is concluded therefore that the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions. The proposal is therefore considered to be compliant with Policy CS16 and the National Planning Policy Framework.

Developer Contributions

Regulation 122 of the CIL Regulations introduced on 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; and
3. It is fairly and reasonably related in scale and kind to the development.

Policies CS3, CS13, CS15, CS17 and CS24 of the Core strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate the impact of the proposals. At the time of determination, the following contributions have been requested:

Organisation requesting	Amount	Location of Spend	CIL Assessment
Affordable Housing	100%	On site	Exceeds the requirements of Policy CS3 of the Core Strategy and Policy H/4 of the Sileby Neighbourhood Plan which call

			for 30% affordable housing. The proposal is for 100% affordable units with 77% of these (33 units) being for rent and 23% (22 units) being for shared ownership. This mix is acceptable. Recommendation: CIL compliant
Charnwood Borough Council – Ecology	£166,129	Off-site identified project	This would provide mitigation for loss of biodiversity value units Recommendation: CIL compliant
Charnwood Borough Council – Open Spaces	<p>On-site provision: 0.04ha Parks 0.26ha natural and semi-natural open space 0.06ha amenity green space</p> <p>On site provision or off-site contribution: Provision for children 1 on site LEAP or £14,666 off-site contribution. Provision for young people 1 on site facility or £52,470 off-site contribution.</p> <p>Off-site contributions: Outdoor sports £18,116 contribution.</p>	<p>A children's LEAP facility either on site or commuted sum of £14,666 towards improving facilities at Memorial Park. A young people's facility would be provided on site or a contribution of £52,470 would go to new or enhanced facilities at Memorial Park.</p> <p>Outdoor sports £18,116 towards projects in the Playing Pitch Strategy 2018 (maintenance works to pitches at Memorial Park, pitch improvements, second artificial wicket or changing facility</p>	<p>In accordance with policy CS15 of the Core Strategy, on site public open space is to be provided. The Council's Open Spaces Team has confirmed a number of projects to which off-site contributions could fund within the vicinity of the site in accordance with the Playing Pitch Strategy 2018.</p> <p>The request for indoor sport provision is generated on the basis of a national calculator and no specific projects have been identified and therefore cannot be related in scale and kind to the development and will be not sought.</p> <p>The ongoing management and maintenance of any on site open space also requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in perpetuity. Recommendation: CIL compliant if no indoor sport provision is sought.</p>

	Allotments £6,211 contribution. Indoor sports £52,681	at Sileby Cricket Club) -new allotment provision or improvements to existing in Sileby £6,211 Indoor sport £52,681 (no specific projects identified)	
Leicestershire County Council Library Services	£1,510	Sought for reference materials or lending items at Sileby Library to account for additional use by occupiers of the development	The development will impact on library services in respect of additional pressures on the availability of library facilities and materials Recommendation : CIL compliant
Leicestershire County Council Education	£247,806 £28,700.60	Primary School Improving, remodelling or enhancing facilities at Sileby Redlands Community Primary School or any other school within the locality of the development 16+ education Remodelling or enhancing existing facilities at Rawlins Academy or any other school within the locality of the development	These requests are considered to directly relate in scale and kind to the development proposed as set above. Recommendation: CIL compliant

Leicestershire County Council Civic Amenity	£2,342	Mountsorrel Household Waste and Recycling Centre	The contribution would be spent to facilitate additional capacity in order to meet the additional demands created by the development Recommendation: CIL compliant
Leicestershire County Council Highways	£2,906.75 £66,000 £3,500	Travel Pack provision – 1 per new dwelling at a cost of £52.85 per pack Bus passes – 2 per dwelling at a cost of £600 per pass (application forms to be included in Travel Packs) Raised kerb provision to Homefield Road bus stop which is the nearest stop to the site and the most likely to be used by new residents.	These contributions would help achieve sustainable travel choices in accordance with Policy CS17 of the Core Strategy and the NPPF. Recommendation : CIL compliant
NHS Clinical Commissioning Group	£17,495.75 £23,009.25	Additional clinical accommodation at Highgate Medical Centre Additional clinical accommodation at The Banks Surgery	The site falls within the catchment of the 2 surgeries and would be impacted by the development Recommendation: CIL compliant

Infrastructure

Objections have been raised outlining the capacity issues in the village in relation to the existing medical practices and education and leisure facilities. Relevant statutory

consultees have provided comment and consider that the impact of the development can be mitigated through the collection of Section 106 contributions to allow expansion or improvement of the facilities. Whilst there have been no feasibility studies undertaken to establish if medical or schools could be expanded, given planning permission would be required for any expansion, there is no certainty that the capacity could be increased. However, this is not uncommon and should not lead to a refusal of a scheme where developer contributions are requested to mitigate impact.

Conclusion and the Planning Balance

This application seeks to provide 55 dwellings which would comprise 100% affordable units at a time when there is a demonstrable shortfall against borough wide need. As part of the proposal, public open space and landscaping would be provided. The supporting information and consultation responses have established that there are no technical reasons in relation to highways, flooding and biodiversity that indicate planning permission should be refused.

A Section 106 legal agreement could be agreed and this would have the effect of mitigating impact on local services and facilities in accordance with Policy CS24 of the Core Strategy.

The adopted Core Strategy, saved Policies of the Local Plan and the Sileby Neighbourhood Plan are the starting point for the consideration of these proposals. The site is located within countryside but adjoins the settlement limits of Sileby and Policy CS1 provides for proposals for new homes in such locations. Policy G1 of the Sileby Neighbourhood Plan seeks to protect the countryside from development and will allow rural exception housing but does not support affordable housing development of this type. However, the policies most important for determining the application are out of date and as such, the presumption in favour of sustainable development of NPPF paragraph 11(d)(ii) applies.

The provision of 55 dwellings in an accessible location all of which would be affordable homes would make a useful contribution to housing needs and housing supply within the Borough and would support the Government's objective of significantly boosting the supply of homes. The proposal is considered to be small scale in the context of the overall scale of Sileby. At a time where there is a Borough wide housing shortfall and the Council can demonstrate only 3.34 years supply, the benefits of this housing provision are afforded significant positive weight.

The proposal would provide some economic benefit in terms of construction, local spend, council tax and home bonus but these are standard for all development proposals and are afforded only limited weight.

It has been demonstrated that the development is acceptable in respect of highway safety and capacity. This is afforded neutral weight as all proposals are required to be safe and not have any severe impact on highway safety.

The proposal would provide areas of equipped play (directly or indirectly) and additional public open space with improved pedestrian connection to the village centre. In terms of existing provision in Sileby, the 2017 Assessment of Open Space shows that there are

existing shortfalls in the quantity of natural/semi-natural public open space and allotments within the village. There are accessibility shortfalls in all typologies of public open space and this is particularly relevant, given the location of the development site outside of the settlement boundary. There is a particular shortfall in provision for young people, allotments and outdoor sport in Sileby that will not be worsened and would be off-set by the developer contributions required as part of any grant of planning permission. The benefit of the scheme in terms of public open space is therefore neutral in the planning balance.

The application site is not considered to have any significant ecological value although it is acknowledged that some hedgerow removal would be required contrary to Policy ENV6. There is, however, an opportunity to provide net biodiversity gains and an off-site commuted sum is therefore sought to improve opportunities for local biodiversity enhancement. Development proposals are required to provide biodiversity benefits and therefore only moderate weight can be given to this as it is required to mitigate the effects of the development.

There would be some landscape harm in terms of perceived visual impact as a result of the development, from both near and distant views. However, the landscape does not benefit from any protective statutory designations and some of this harm can be mitigated in successful landscaping of the development, particularly to its periphery. The development would maintain the separation between settlements but the minor harm identified would be contrary to policy CS11. The minor harm identified is given moderate weight. The loss of the productive agricultural land is also a minor harm of the scheme but this is moderated by the size of the land and its quality which is average. It is acknowledged that the site is a proposed housing development site in the emerging local plan, although this is at an early stage in its development and its Policies carry little weight at this time.

The test from the Framework is whether the detrimental impacts of the proposal described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing at a time when it is most needed. For the reasons set out above, it is considered that the identified harms when taken together, would not significantly or demonstrably outweigh the benefits of the additional affordable housing. Accordingly, it is recommended that planning permission be granted conditionally and subject to a section 106 legal agreement as set out in recommendations A and B below.

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure contributions, on terms to be finalised by the parties as set out in the table below.

Affordable Housing	100% on site provision 77% of these (33 units) being for affordable rent and 23% (22 units) being for shared ownership.
Ecology	£166,129 off site contribution to mitigate for loss of biodiversity units
Open Space	On-site provision:

	<p>0.04ha Parks 0.26ha natural and semi-natural open space 0.06ha amenity green space</p> <p>On site provision or off-site contribution:</p> <p>Provision for children 1 on site LEAP or £14,666 off-site contribution towards improving facilities at Memorial Park Provision for young people 1 on site facility or £52,470 off-site contribution to new or enhanced facilities at Memorial Park.</p> <p>Off-site contributions:</p> <p>Outdoor sports £18,116 contribution towards projects in the Playing Pitch Strategy 2018 (maintenance works to pitches at Memorial Park, pitch improvements, second artificial wicket or changing facility at Sileby Cricket Club) Allotments £6,211 contribution towards new allotment provision or improvements to existing in Sileby The ongoing management and maintenance of any on site open space also requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in perpetuity.</p>
Library Services	£1,510 towards Sileby Library
Education	<p>£247,806 contribution to improving, remodelling or enhancing facilities at Sileby Redlands Community Primary School or any other school within the locality of the development.</p> <p>£28,700.60 16+ education contribution to remodelling or enhancing existing facilities at Rawlins Academy or any other school within the locality of the development.</p>
Civic Amenity	£2,342 contribution to Mountsorrel Household Waste and Recycling Centre to facilitate additional capacity
Highways	<p>£2,906.75 Travel Pack provision – 1 per new dwelling at a cost of £52.85 per pack</p> <p>£66,000 Bus passes – 2 per dwelling at a cost of £600 per pass (application forms to be included in Travel Packs)</p> <p>£3,500 Raised kerb provision to Homefield Road bus stop.</p>
Health Services	<p>£17,495.75 for additional clinical accommodation at Highgate Medical Centre</p> <p>£23,009.25 for additional clinical accommodation at The Banks Surgery</p>

RECOMMENDATION B:

That subject to the completion of the agreement in A above, planning permission be granted subject to the following planning conditions and notes:

- 1 The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Application form
 - Design and Access Statement
 - 41273/005K - Proposed site layout - revised plan received 21st Jan 2022.
 - 41273/006H - Materials plan - revised plan received 21st Jan 2022.
 - 41273/007C - BUNG Housetype RB
 - 41273/008C - BUNG-BUNG Housetype RB
 - 41273/009B - HAM-HAM Housetype RB
 - 41273/010B - HAM-HAM Housetype BB
 - 41273/011B - HAM-HAM Housetype Render
 - 41273/012B - HAM-BAR Housetype Render
 - 41273/013B - BAR-HAM-HAM Housetype Render
 - 41273/014B - HAM-BOT-HAM Housetype BB
 - 41273/015B - HEA-HEA Housetype RB
 - 41273/017D - HOB/WIL-HOB/WIL Housetype BB - plan received 2nd Nov 2021.
 - 41273/018C - HOB/WIL-WEB/ELL Housetype RB
 - 41273/019B - WEB/ELL Housetype Render
 - 41273/020B - STO Housetype RB
 - 41273/021H - Boundary Treatments - plan received 21st Jan 2022
 - 202241272/022 - Site location plan – received 9 Mar 2021
 - 41273/024C - Tenure Plan - revised plan received 21st Jan 2022
 - 3424 - Topographical Survey
 - 600167-HEX-00-00-DR-TP-0100 Rev P02 - Proposed highway alterations - plan received 13th Jan 2022
 - SILEBY_01_230_01 - Drainage Strategy Plan received 2nd Nov 2021.
 - C-1895-01 - Survey of Existing trees
 - C-1895-02 Rev B - Proposed landscaping scheme - plan received 2nd Nov 2021.
 - 1078-AD-007 - Construction Environmental Management Plan

REASON: To define the terms of the planning permission.

- 3 No groundworks associated with the 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. Once approved, this scheme shall be fully implemented in accordance with the approved details prior to first occupation of any dwellings hereby approved.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy CS16 of the Charnwood Local Plan (2011-2028) Core Strategy and the NPPF.

- 4 No groundworks associated with the 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. Once approved, the development shall be carried out in full accordance with the approved details.

REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire construction phase in order to accord with Policy CS16 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 5 None of the dwellings hereby permitted shall be occupied until such time as details in relation to the long-term maintenance of the surface water drainage system (that was approved and implemented pursuant to condition 3) within the development have been submitted to and approved in writing by the Local Planning Authority. Once approved, the surface water drainage system shall be maintained in full accordance with the approved details.

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 and in order to accord with Policy CS16 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 6 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 and in order to accord with Policy TR/18 of the Borough of Charnwood Local Plan.

- 7 No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Highway Alterations, drawing

number 600167-HEX-00-00-DR-TP-0100 Rev P02 have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

- 8 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout drawing number 41273/005J. 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 (2021).

- 9 Notwithstanding the submitted details, within two months of the commencement of development, a landscaping scheme, to include retention of the existing hedgerow on the eastern boundary with the school playing field, a woodland planting buffer to the northern site boundary and those details specified below, shall be submitted in writing to the local planning authority for approval:

- i. the treatment proposed for all ground surfaces, including hard areas;
- ii. full details of tree planting including tall tree species
- iii. planting schedules, noting the species, sizes, numbers and densities of plants;
- iv. finished levels or contours;
- v. any structures to be erected or constructed;
- vi. functional services above and below ground; and
- vii. all existing trees, hedges and other landscape features, indicating clearly those to be removed.

The submitted landscaping scheme shall be in accordance with the recommended mitigation measures and conclusions of the Landscape and Visual Assessment (PDP Associated, December 2020).

REASON: To make sure that a satisfactory landscaping scheme for the development is secured in accordance with Policy CT/1 of the Borough of Charnwood Local Plan and Policy CS11 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 10 The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 9, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming

seriously diseased, within 10 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and in order to accord with Policy CT/1 of the Borough of Charnwood Local Plan and Policy CS11 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 11 No dwelling or building on the site shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented in accordance with the approved details.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings and in order to accord with Policy CT/1 of the Borough of Charnwood Local Plan and Policy CS11 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 12 Where provision is to be made on site, details of the design, type and location of proposed children and/or young people's play facilities shall be submitted to and approved by the local planning authority. No dwelling hereby permitted shall be occupied until such time as such facilities as may be approved have been fully installed and made available for use. Once installed, such provision shall be permanently retained, unless alternative provision is agreed in writing with the local planning authority.

REASON: In order that adequate provision is made and retained for recreation and made available to residents and in order to accord with Policy CS15 of the Charnwood Local Plan (2011-2028) Core Strategy.

- 13 None of the dwellings on Plots 38-55 shall be occupied until such time as the acoustic fence shown on Drawing No. 41273/021H has been provided along the rear boundary of plots 38-55 with the school playing field. Once provided in accordance with the approved details, the fencing shall remain in perpetuity.

REASON: In the interests of residential amenity and in order to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan.

- 14 No use or occupation of the dwellings hereby permitted shall take place until the scheme for boundary treatment for that dwelling and as shown on Drawing No41273/021H has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development and in order to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan

- 15 The dwellings on Plots 1, 13, 14, 15, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36 and 37 shall not be occupied until such time as the acoustic trickle vents as recommended in the submitted Noise Impact Assessment (OMNIA B10612/1.0 dated January 2021) have been provided to each respective dwelling. Once fully implemented, these features shall remain in perpetuity.

REASON: In order to reduce noise to internal rooms in the interests of residential amenity and in order to accord with Policy CS2 of the Charnwood Local Plan (2011-2028) Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS24 and CS25 of the Charnwood Local Plan (2011-2028), saved Policies ST/2, TR/18, CT/1, CT/2 and EV/1 of the Borough of Charnwood Local Plan and Policies G1, G2, H2, H3, H4, ENV5, ENV6 and ENV8 of the Sileby Neighbourhood Plan have been taken into account in the determination of this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal and it does not fully accord with the terms of the above-mentioned policies. the degree of harm that might be caused to one or more of the issues arising under the policies is insufficient to warrant the refusal of planning permission.
- 3 The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 In order to arrange for the delivery of the necessary equipment for participation in the refuse and recycling service and to ensure that the properties receive a collection service as appropriate, please contact Environmental Services on 01509 634538 or recycle@charnwood.gov.uk, before the first property is completed.
- 5 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>

- 6 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 in the first instance.

- 7 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 8 Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority. No new gates, stiles, fences or other

structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

9 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the buildings.

10 The Lead Local Flood Authority advises the following:

In terms of the proposed drainage, the details required by the planning condition shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events. Details should demonstrate how surface water will be managed on site to prevent any increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

