

Item No 3

Application Reference Number P/20/2393/2

Application Type:	Outline	Date Valid:	22/12/2020
Applicant:	Clarendon Land and Development		
Proposal:	Development of up to 130 dwellings, provision of land for school expansion, open space and children's play area. Outline application with all matters reserved except access.		
Location:	Land off Humble Lane, Cossington, Leicestershire		
Parish:	Cossington	Ward:	Sileby/Wreake Villages
Case Officer:	Louise Winson	Tel No:	07864 603398

Background

This application was brought to plans committee on 1st December 2021 as it relates to a major housing development, outside current limits to development, is considered a departure from the Development Plan and was recommended for approval. The application was also called in by Ward Cllr Poland under the Council's call in procedure. The officer committee report and additional items presented to that meeting are attached at Appendix A.

At the Plans Committee, it was resolved that planning permission be granted subject to recommendation A and B (S106 obligation and planning conditions). The S106 obligation has not yet been finalised and the planning permission has not been issued.

On 7th March 2022 the Council received a letter from the agent for the application highlighting a typographical error in the committee report pack relating to the amount of land proposed to be set aside for the extension of Cossington Primary School. This report sets out the error and proposes an amendment to recommendation A (the S106 obligation). Amendments to a number of planning conditions to include implementation clauses are also proposed. This report also addresses this issue.

Consideration of the Planning Issues:

1. The wording of the committee report pack

The agent for the application wrote to the Council on 7th March to highlight that the original committee report for the application set out that, as part of the S106 agreement contribution towards education provision, 1.2ha of land was to be set aside for an extension to Cossington Primary School. The letter received from the agent clarified that the submitted application made provision for 0.6ha of land to be set aside for the school extension.

The case officer has reviewed the documents submitted in support of the application and the original committee report pack and it is confirmed that the reference to 1.2ha of land was incorrect. The amount of land to be set aside as part of the education contribution is 0.6ha. This is shown on the submitted illustrative masterplan. For the

avoidance of doubt, the provision of 0.6ha of land meets with the identified need generated by the proposal for primary education provision. The Leicestershire Education Authority has confirmed that the requirement for 0.6ha of land to be provided is correct. The infrastructure contributions set out in the committee report pack and extras report otherwise remain unaltered. To rectify this error it is considered that an amendment to recommendation A should be made to make provision for the correct amount of land (0.6ha) to be provided towards the extension of Cossington primary school.

2. The wording of the approved planning conditions

Following a review of the approved planning conditions, it has been noted that the wording of some of the planning conditions only required submission and approval of details, and not the implementation of those details.

The case officer has reviewed the planning conditions and it is considered that the conditions should be amended as set out in the recommendation below. Amendments are proposed to condition 27, 28 & 29. It is considered that with the suggested amendments, the conditions will be robust and accord with the guidance on conditions set out in the NPPF. Paragraph 55 of the NPPF sets out that conditions should meet the following tests:

1. Necessary,
2. Relevant to planning,
3. Relevant to the development to be permitted,
4. Enforceable,
5. Precise, and
6. Reasonable in all other respects.

3. Material Considerations update

All material considerations remain as per the previous report (see Appendix A) with the exception of the emerging Local Plan, as set out below.

The Draft Charnwood Local Plan 2019-37

The Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12th July 2021 to 23rd August 2021 and submitted to the Secretary of State on the 3rd December 2021. The Plan will now proceed to an examination hearing during 2022 with forecast adoption in very early 2023.

The Plan sets out strategic and detailed policies for the period 2019-37 and will replace the adopted Charnwood Local Plan Core Strategy (2015) and the saved policies of the Borough of Charnwood Local Plan 2004 when it is adopted. In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given),
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given),
- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following emerging policies are considered relevant in the determination of this application:

- DS1 Development Strategy
- DS5 High Design Quality
- C1 Countryside
- H1 Housing Mix
- H2 Housing for Older People and People with Disabilities
- H3 Internal Space Standards
- H4 Affordable Housing
- T3 Car Parking Standards
- CC1 Flood Risk Management
- CC2 Sustainable Drainage Systems
- CC4 Sustainable Construction
- CC5 Sustainable Transport
- CC6 Electric Vehicle Charging Points
- EV1 Landscape
- EV4 Charnwood Forest and the National Forest
- EV6 Conserving and Enhancing Biodiversity and Geodiversity
- EV7 Tree Planting
- EV8 Heritage
- EV9 Open Spaces, Sport and Recreation
- EV10 Indoor Sports Facilities
- EV11 Air Quality
- INF1 Infrastructure and Developer Contributions
- INF2 Local and Strategic Road Network

The proposed development, given its status as an allocated site, is considered acceptable in principle under the emerging Local Plan .

Since the 1 December 2021 Plans Committee meeting, the local plan has been submitted to the Secretary of State, which is a material change in circumstances. Accordingly, at this stage in its production, the emerging Local Plan can only be afforded limited weight in decision making as hearing sessions have not yet commenced and it is not clear if there is any unresolved dispute in relation to its policies or if they require modification by the Inspector to make the plan sound.

4. Cossington Road Sileby P/21/0491/2

Members will be aware that a Public Inquiry is currently underway where the Council is defending its decision to refuse the outline planning application for up

to 170 dwellings at Cossington Road Sileby. The Inquiry has sat for 4 days, with a further 3 days scheduled 27-29th April.

During the cross examination of the Council's landscape witness the Humble Lane, Cossington application, which this report relates, was discussed. The Council are of the opinion that the Cossington Road, Sileby appeal site is within a valued landscape. It was put to the Council's landscape witness by the appellant's advocate that the valued landscape extends towards the Humble Lane, Cossington application site. It was agreed the northern part of the Humble Lane, Cossington application site is within the same valued landscape. It was suggested to the Council's witness by the appellant's advocate that Humble Lane planning application will need to be taken back to Plans Committee for reconsideration of the landscape impact as the report to plans committee did not reference the valued landscape.

The northern part of this application site, which is within a valued landscape, is identified within the framework plan as open space and no residential development is proposed in this area. This is a different situation to the appeal site as built development is proposed upon valued landscape within the appeal site. Notwithstanding the discussion at the Cossington Road, Sileby public inquiry sessions, officers are satisfied with the original landscape assessment of the proposal and do not consider that any re-assessment or further consideration of the landscape impact from that discussed within the original Plans Committee report is needed.

Conclusion

The proposed amended planning conditions are considered to be appropriate for the development and will secure compliance with the policies of the adopted Development Plan. The principle of development is acceptable in the emerging local plan, however the proposal conflict with the adopted Development Plan, in that the site is outside of defined limits to development and within countryside. Despite now having been submitted to the Secretary of State, the emerging Local Plan can only be afforded limited weight, as stated in the officer committee report of 1 December 2021 (see Appendix A).

Therefore, the conclusion set out in the officer committee report and extras report of 1 December 2021 remains unchanged. The application is recommended for approval subject to a S106 legal agreement to secure planning obligations (to include the amendments to Recommendation A set out above and within the extras report) and the planning conditions set out below (the amendments to recommendation A and B is highlighted in *underlined italics* for clarity).

RECOMMENDATION

That the application continues to be recommended for approval and that the following resolution of the Plans Committee be amended to allow for amended planning conditions and an amendment to the terms of the Section 106 agreement to those previously agreed and therefore for planning permission to be granted on the terms as set out in the updated Recommendations A and B below:

Application Reference	Address	Date of resolution to granted/Minute number
P/20/2393/2	Land off Humble Lane, Cossington	1 st December 2021 [38(2.) refers]

RECOMMENDATION A:

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

Education	<ul style="list-style-type: none"> • £928,571.42 towards the extension of Cossington Primary School and provision of <u>0.6 hectare</u> of land to meet the needs of the development. • £18,726.90 to fund the expansion of Humphrey Perkins School to partially meet needs of the development. • £36,300.78 to fund the additional Special school places generated by the large scale of this development. • A £98,422.35 contribution towards early years provision in the locality
Libraries	<ul style="list-style-type: none"> • £3,920.00 towards the improvement of facilities at Sibley Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.10ha) • An on-site natural and semi open space (minimum 0.62ha) • An on-site amenity green space (minimum 0.14ha) • An on-site LEAP facility • On-site provision for young people • 0.81ha on-site provision or a £42,817.00 contribution towards off-site outdoor sports facilities • 0.10ha on-site provision or a £14,680.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington
Affordable Housing	<ul style="list-style-type: none"> • 40% of the dwellings to be affordable housing with 77% for affordable rent and/or social rent and 23% shared ownership.

NHS	<ul style="list-style-type: none"> £95,739.07 to increase and improve facilities at The Banks and Highgate Medical Centre surgeries in Sileby.
Highways	<ul style="list-style-type: none"> Raised kerb provision at the two nearest bus stops at a cost of £4,000 each A Travel Plan monitoring fee of £6,000 The appointment of a Travel Plan Coordinator Travel pack for the first occupation of each new dwelling Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Civic Amenity	<ul style="list-style-type: none"> £6,717.00 towards the increase and improvement of the facilities at Mountsorrel Waste and Recycling facility.
Biodiversity mitigation	<ul style="list-style-type: none"> The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss. Mitigation on site Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)
Community Facilities	<ul style="list-style-type: none"> A £200,000.00. contribution towards the provision of and enhancement of community meeting facilities in the locality.

RECOMMENDATION B:

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

1.	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been</p>

	<p>approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> • 9300-L-03-F Indicative Layout (12 July 2021) • 9300-L-02-H Framework Plan (14 Dec 2020) • ADC2089-RP-C-v4 - Flood Risk Assessment • ADC2089-RP-G – Drainage Technical Note • ADC2089-DR-002-P3 Proposed Main Street Access Junction Layout • ADC2089-DR-004-P3 Proposed Humble Lane Emergency Access Junction Layout • ADC2089-DR-051-P1 Swept Path Analysis of the Proposed Main Street Access Junction – refuse lorry • ADC2089-DR-052-P2 Swept Path Analysis of the Proposed Main Street Access Junction – coach • ADC2089-DR-053-P2 Swept Path Analysis of the Proposed Humble Lane Emergency Access – large car • ADC2089-DR-054-P2 Swept Path Analysis of the Proposed Humble Lane Emergency Access – tractor and trailer • ADC2089-DR-055-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – refuse lorry • ADC2089-DR-056-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – coach • ADC2089-DR-057-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – hay wagon • ADC2089-DR-051-P3 Proposed Surface and Foul Water Drainage Strategy • 9300-L-01 C Site Location Plan • BWB Phase 1 Geo-Environmental Assessment • JBA Consulting Hydraulic Modelling Report Nov 2020 • fpcr Bat Report Oct 2020 • fpcr Ecological Appraisal 2020 • Design and Access Statement Dec 2020 <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area and includes an appropriate level of smaller 2/3 bedroom units and single storey units.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council’s identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, and the advice</p>

	within the NPPF.
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard surfaced areas; ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site; iii) finished levels or contours within any landscaped areas; iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. v) functional services above and below ground within landscaped areas; and vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed. <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2 and CS11 of the Development Plan.</p>
6.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>
7.	<p>The details of layout, appearance and scale submitted pursuant to condition 2 above shall meet with, but not be limited to, the following principles set out within the Design and Access Statement and shown on the Illustrative Masterplan:</p> <ul style="list-style-type: none"> i. The provision of a descending hierarchy of streets throughout the site ii. Built form which sensitively integrates the school extension and drop-off facilities into the layout by using buildings to 'wrap' around the school land iii. Providing good connectivity to the school land from the streets and pedestrian routes iv. The provision of keynote buildings and feature green spaces with trees within the development parcels to include incidental planting along with trees and verges which are distinctive to Cossington v. The provision of green infrastructure along the eastern and western boundaries and structural landscaping adjacent to the built form along the northern edge of the site vi. The provision of links through to the village to facilitate the link existing and proposed new development.

	<p>REASON: To ensure that a high quality design is delivered that reflects its edge of village location and does not create harm to adjacent occupiers. This condition is to provide certainty that this can be achieved and ensure compliance with policies CS2 of the Development Plan and associated national and local guidance.</p>
8.	<p>The details submitted pursuant to condition 2 above shall include a façade noise map to determine noise levels at each dwelling and provide a detailed glazing and ventilation schedule to control noise within dwellings, and a schedule of external boundary treatments to limit external noise levels within private gardens.</p> <p>REASON: to ensure that appropriate external and internal noise criteria is achieved having regard for the amenity of those that will live in the development in accordance with Policy CS2 of the Core Strategy.</p>
9.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> i. An on-site multi-function green space (minimum 0.10ha) ii. An on-site natural and semi open space (minimum 0.62ha) iii. An on-site amenity green space (minimum 0.14ha) iv. An on-site LEAP facility v. On-site provision for young people <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15</p>
10.	<p>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.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>
11.	<p>The ADC Travel Plan dated 21 June 2021 (Version 4) shall be implemented fully in accordance with its content unless an alternative Travel Plan is submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
12.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing</p>

	<p>number ADC2089-DR-002 Revision P3 have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
13.	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 42.8 and 2.4m by 44.3 metres have been provided to the southwest and northwest respectively at the site access junction. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).</p>
14.	<p>No development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way I62 adjacent to the site has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.</p> <p>REASON: To protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.</p>
15.	<p>Notwithstanding the details submitted, within two months of commencement of any development on site, including site works, details of the management, enforcement, and maintenance of the proposed emergency access to the site from Humble Lane have been submitted to and agreed in writing with the Local Planning Authority. The approved emergency access shall be provided prior to the first occupation of any dwelling on the site in accordance with the approved details and shall thereafter maintained at all times.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
16.	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres x 120 metres have been provided at the emergency access junction. These shall thereafter</p>

	<p>be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).</p>
17.	<p>Within four weeks of the emergency access onto Humble Lane being brought into use, any existing accesses on Humble Lane shall be closed permanently and the land within the highway reinstated, in accordance with details which shall have first been submitted to and agreed in writing by the local planning authority.</p> <p>REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2021).</p>
18.	<p>The development shall be carried out in accordance with the submitted flood risk assessment report reference: DC2089-RP-C-v4 produced by ADC Infrastructure on the 16th December 2020 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set a minimum of 300mm above surrounding ground levels. <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>REASON: To reduce the risk of flooding to the proposed development and future occupants.</p>
19.	<p>The development hereby permitted must not be commenced until such time as a scheme to provide adequate floodplain compensation has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>REASON: To ensure that there are no detrimental impacts to flood storage or flood flow routes.</p>
20.	<p>Prior to the commencement of development a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <p>(i) A preliminary risk assessment which has identified: all previous uses;</p>

	<p>potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site; (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.</p>
21.	<p>Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with of the National Planning Policy Framework.</p>
22.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework.</p>

23.	<p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS15 and CS16.</p>
24.	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access and internal roads shall be retained and maintained at all times. Any part of the hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants and trees of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.</p> <p>REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development</p>
25.	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
26.	<p>No development shall take place until a programme of archaeological work which includes a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> • The programme and methodology of site investigation and method • The programme for post investigation assessment • Provision to be made for analysis of the site investigation and recording • Provision to be made for the publication and dissemination of the analysis and records of the site investigation • Provision to be made for archive deposition of the analysis and records of the site investigation • Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

	<p>All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.</p> <p>REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14 of the Development Plan and the advice within the NPPF.</p>
27.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. <u>The development shall only be carried out fully in accordance with the approved scheme and be retained as such at all times thereafter.</u></p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
28.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. <u>The construction of the development shall only be carried out fully in accordance with the approved scheme.</u></p> <p>REASON: To prevent flooding by ensuring the satisfactory management of surface water at the site.</p>
29.	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. <u>The development shall only be carried out fully in accordance with the approved detail which shall be retained as such at all times thereafter.</u></p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.</p>
30.	<p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy</p>
31.	<p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy for the site is submitted in writing for approval.</p> <p>The development shall be carried out and retained thereafter in</p>

	<p>accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.</p>
32.	<p>Notwithstanding the submitted details, no development shall commence on site until a Phase II ground investigation has been undertaken to identify the extent, scale and type of any contamination at the site. If contamination is identified a detailed remediation scheme to bring the site to a condition suitable for the intended use along with a timetable for implementation shall be submitted in writing to the local planning authority for approval. Upon completion of the approved remedial measures a site verification report shall be provided to the satisfaction of this department including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use.</p> <p>REASON: To ensure that the occupiers of the development are not put at unacceptable risk from land contamination.</p>
33.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until an amendment to the remediation strategy detailing how this unexpected contamination shall be dealt with has been submitted in writing and approved by the local planning authority.</p> <p>REASON: To ensure that the occupiers of the development are not put at unacceptable risk from land contamination.</p>
34.	<p>The details submitted pursuant to condition 2 above shall include an appropriate air quality assessment to determine Air Quality impacts associated with the traffic generated by the development. The assessment shall include receptors adjacent to all roads where a significant change in traffic is predicated, and, where necessary set out a mitigation strategy, including a timetable for implementation, for any necessary remedial measures.</p> <p>REASON: To ensure that the occupiers of the development are not put at unacceptable risk from air contamination.</p>

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, because the benefits of the proposal are not significantly and demonstrably

outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.

2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
4. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of infrastructure contributions necessary to make the development acceptable in planning terms.
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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
8. Prior to construction, measures should be taken to ensure that users of the Public Right(s) 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.

9. 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.
10. 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.
11. All work shall follow recognised good practice such as those detailed in BS 5228 "Noise control on construction and open sites", the BRE report "Control of Dust from Construction and Demolition Activities".
12. There shall be no burning of waste on the site.
13. There shall be no audible demolition/construction noise beyond the site boundary before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Bank Holidays.
14. The surface water drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
15. 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.

16. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
 17. 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.
 18. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
 19. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>
 20. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
 21. Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure.
 22. Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the development. The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.
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Appendix A – Committee Report Pack

Item No. 2

Application Reference Number P/20/2393/2

Application Type:	Outline	Date Valid:	22/12/2020
Applicant:	Clarendon Land and Development		
Proposal:	Development of up to 130 dwellings, provision of land for school expansion, open space and children's play area. Outline application with all matters reserved except access.		
Location:	Land off Humble Lane, Cossington, Leicestershire		
Parish:	Cossington	Ward:	Sileby/Wreake Villages
Case Officer:	Louise Winson	Tel No:	07864 603398

Background

This application has been brought to plans committee as it relates to a major housing development, outside current limits to development and is considered a departure from the Development Plan as it is recommended for approval. The application has also been called in by Ward Cllr Poland for the following reasons:

- The scale of development relative to the size of the village
- The effect the development could have on flooding in the village
- Sustainable of the development given the lack of services in Cossington
- The effect on the local highway network, especially during times of floods

Description of the Application Site

The site is situated on the eastern edge of Cossington, and is approximately 9.7 ha in size. The site is currently used for agricultural purposes. The site is largely in Flood Zone 1 with the northern most part within Flood Zone 2.

The land levels are relatively flat within the site having an open aspect and bounded by trees and hedgerows along the northern eastern and southern boundaries. The character of the adjacent surrounding area can be set out as follows:

Boundary	Description
North	Derry's Garden Centre, Brook Farm and an arable field. A small watercourse runs along this entire boundary within the application site.
East	Agricultural land which extends towards the midland mainline railway.
South	Humble Lane runs along this entire boundary with agricultural land beyond.
West	Forms the existing edge of the village consisting of a combination of tree lined hedgerows, the rear boundaries of existing properties and land belonging to the Cossington C of E Primary School. The locally

	known 'Polly Pegg's' public footpath runs along part of the length of this boundary within the application site.
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The site is adjacent to an area of local separation between Cossington and Sileby. There are no other specific landscape designations for the site. The site is located within the Soar Valley Landscape Character Area.

Description of the Proposal

This outline planning application seeks permission for the erection of up to 130 dwellings, provision of land for school expansion, open space and children's play area with all matters reserved except access. The main access into the site would be off Main Street with a secondary emergency access proposed onto Humble Lane.

The proposed density of the residential areas would be an average of 14 dwellings per hectare, with 40% affordable housing proposed. The submitted indicative plan shows how a road layout could provide a primary spine road through the site, with areas for housing open space, structural landscaping and drainage infrastructure. The plan also makes provision for an area of land to the west to be set aside for an extension to the school and the 'Polly Pegg's' footpath PROW 167 to be retained.

The submitted plans show the retention of the existing boundary treatments and hedgerows within the site other than where the access road would break through the existing hedgerows. The illustrative masterplan (which is not for approval at this stage) indicates there might be parcels of housing situated off spurs along a central spine road. There is also a large area of natural open space would be concentrated to the northern edge of the site to provide a green edge to the site whilst incorporating drainage measures and through the central section of the site.

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies East Goscote as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

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

Policy CS14 - Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

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

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

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

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

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

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

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

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

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

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

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible

in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

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

Other material considerations

The National Planning Policy Framework (NPPF 2021)

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

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

Section 5: Delivering a sufficient supply of homes

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

Section 8: Promoting healthy and safe communities

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

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key

facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places.

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

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

Planning Practice Guidance

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

National Design Guide

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

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

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

Leicestershire Housing and Economic 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

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Landscape Character Appraisal

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

Conservation of Habitat and Species Regulations 2010 (as amended)

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

Equality Act 2010

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

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

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature of the application proposals, it is not considered that the application would constitute EIA development.

The Draft Charnwood Local Plan 2021-37

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 Monday July 12 until Monday August 23, 2021. This document carries only very limited weight at this time, however, the site has been proposed as a residential allocation of 124 homes under policy DS3 (HA59).

Cossington Conservation Area Character Appraisal (2014) – This document examines the historic development of the Conservation Area and describes its present appearance in order to assess the special architectural and historic interest of the area.

Cossington Neighbourhood Plan – Cossington was designated as a Neighbourhood Plan Area on 17th March 2020 and is currently at the evidence gathering stage. As a result, little weight can be assigned to the Plan at this stage.

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 www.charnwood.gov.uk

Leicestershire Lead Local Flood Authority - LCC	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of planning permission.
Housing Strategy & Support CBC	Seeks 40% (52 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership.

Leicestershire County Council – Highways	<p>Does not object to the proposal in principle subject to a number of conditions to provide the following:</p> <ul style="list-style-type: none"> • Provision of the access arrangements • A construction traffic management plan • Provision and maintenance of pedestrian and vehicular visibility splays • Implementation of the submitted Travel Plan • Provision of Public Right of Way 162 • Provision and maintenance of the emergency access onto Humble Lane <p>The following contributions are also sought:</p> <ul style="list-style-type: none"> • Raised kerb provision at two local bus stops at a cost of £4,000 • A Travel Plan monitoring fee of £6,000 • Travel pack for the first occupation of each new dwelling • Appointment of a Travel Plan co-ordinator • Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Leicestershire County Council - Education	<ul style="list-style-type: none"> • Confirms that Cossington Primary School has a net capacity of 105 and 140 pupils are projected on the roll should this development proceed; a deficit of 39 pupil places. The overall deficit including all schools within a two mile walking distance of the development is 123 pupil places. The 39 pupil places generated by this development cannot therefore be accommodated at nearby schools and a claim for an education contribution of 39 pupil places (£928,571.42) in the primary sector is justified. The provision of 1.2 hectare of land to provide an extension to Cossington Primary is also required to mitigate the impact of the proposal and other developments in the locality coming forward. • Seeks a contribution of £18,726.90 towards secondary school provision at Humphrey Perkins School. This is based on the development for 228 dwellings proposed at Land off Barnards Drive, Sileby being granted planning permission. • Seeks a contribution of £36,300.78 towards special school provision at Loughborough Ashmount School. This is based on the development for 228 dwellings proposed at Land off Barnards Drive, Sileby being granted planning permission.
Leicestershire County Council - Libraries	Seeks a £3,920.00 contribution towards the enhancement of Sileby Library.

Leicestershire County Council - Waste Management	The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facility in Mountsorrel. As such a developer contribution of £6717.00 is required.
Environment Agency	Raises no objection subject to conditions. Confirms that the main access into the site is located in Flood Zone 3. Advises that the LPA should be satisfied that the arrangements for the secondary access are acceptable.
CBC Environmental Health	Raises no objection subject to conditions that require further contaminated land survey work be undertaken and if necessary, remediation and verification. Conditions are recommended to investigate and where necessary deal with landfill gas.
Cossington Parish Council	<p>Strongly oppose the application and makes the following comments:</p> <ul style="list-style-type: none"> • The proposal would be out of scale with the existing village • The proposal would have an unacceptable impact on Heritage Assets • Highway Safety with regards to the proposed access point and traffic flow through the village • Lack of infrastructure capacity and additional pressure on local services • Flooding at the access point and in the village • Access to the site should be restricted for HGVs <p>Developer contributions to provide the following are requested:</p> <ul style="list-style-type: none"> • Traffic calming • Bypass around village to Charnwood Edge roundabout • Flood Alleviation • New School • Boundary Fencing • Community Centre • Doctors Surgery • Post Office and store • Dentist • Police Station • Train Station • Nursery facilities

Sileby Parish Council	Reported that it was waiting further highway information to be submitted before commenting. This has been submitted but no further comment received.
Edward Argar MP	Highlights the concerns raised by constituents on the following grounds: <ul style="list-style-type: none"> • Scale and the impact on the character of Cossington • Transport considerations • Impact on local services • Flooding
Campaign for the Protection of Rural England	Objects to the proposal on the grounds that it is unsustainable development in the countryside. The development would lead to increased car use due to its location and access to facilities/services/public transport. The development does not meet local housing needs. And the loss of agricultural land
Charnwood Open Spaces	Seeks the following contributions: <ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.10ha) • An on-site natural and semi open space (minimum 0.62ha) • An on-site amenity green space (minimum 0.14ha) • An on-site LEAP facility • On-site provision for young people • 0.81ha on-site provision or a £42,817.00 contribution towards off-site outdoor sports facilities • 0.10ha on-site provision or a £14,680.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington • An indoor sports contribution to consist of £59,044.00 towards swimming pool facilities, £57,051.00 towards indoor court facilities and £8,424.00 towards indoor bowls rink facilities
NHS CCG	Seeks a contribution of £95, 739.07 towards the provision and enhancement of facilities at The Banks and High Gate Medical Centre surgeries.
Leicestershire Police	Raises no objection. Makes design suggestions to limit opportunities for crime.
Cllr Poland as County Councillor	Objects to the application in capacity as a County Councillor for the following reasons;

	<ul style="list-style-type: none"> • Scale of development too large and out of character with the village • Harm and loss to area of local separation • Unsustainable development due to lack of services and facilities within the village • Additional pressure of local services
Cossington Parochial Church Council	Seeks a contribution of £437,500.00 towards enhancement and provision of community meeting facilities in the village.

Other Comments Received

189 letters of objection have been received from local residents. Objections raised are summarised as follows:

- The development is in an unsustainable location
- The adverse landscape impact
- Highway safety
- Traffic congestion
- Pressure on existing infrastructure and services
- Scale and design
- Loss of a greenfield site/agricultural land
- Impact on ecology
- Loss of trees
- There is no need for extra housing in the village
- Impact on the countryside
- Flooding/drainage
- Loss of privacy
- Lack of services and facilities in the village to accommodate the new residents
- Lack of employment opportunities for the new residents
- There is no proven need for affordable housing
- Contaminated land and risk to public health/safety
- Underground pipeline danger to public safety

Relevant Planning History

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

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-

2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them in this regard.

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 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's, although designated heritage assets can be included. In this case although the site is situated adjacent to a village with a Conservation Area, it is approximately 100 away from the boundary with the designated heritage asset at its closest point and provides no direct views of the Conservation Area. It is therefore considered that the site does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered by officers that in this instance paragraph 11d i) would apply.

The main issues are considered to be:

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

The Principle of the Development

The application site is located outside but adjacent to, the Development Limits to the settlement of Cossington, as established under "saved" Policy ST/2 of the Borough of Charnwood Local Plan 1991-2026. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the

Borough, including a settlement hierarchy. Within the settlement hierarchy, Cossington is identified as an “other” settlement where a limited level of housing growth which is predominantly small scale and within limits to development is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

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

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the provision of up to 130 new houses at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However, given the 5-year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly, although there is some harm resulting from conflict with the development plan’s spatial strategy set out in policies CS1, CT/1, CT/2, and ST/2, which seeks to direct growth away from smaller settlements it is not considered this would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned. 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.

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 Monday July 12 until Monday August 23, 2021. This document carries only very limited weight at this time, however, it is worth noting, the site has been proposed as a residential allocation of 124 homes under policy DS3 (HA59). 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.

Housing Mix

Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 130 units should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided.

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

The proposal is in outline form and includes an undertaking to provide 52 affordable homes (40%). The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It would, however, be important to set down parameters relating to, for example, the size of units, and it is suggested that this could be controlled and secured by a condition for both Market and Affordable housing. The tenure for affordable housing can be secured through the s.106 agreement.

The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

Affordable	
1 bed	40-45%
2 bed	20-25%
3 bed	25-30%
4+ bed	5-10%
Market	
1 bed	0-10%
2 bed	25-35%
3 bed	45-55%
4+ bed	10-20%

It is suggested that a size, mix and profile to reflect this could be accommodated on site. Locally identified need and the character of the area could be achieved although care would need to be taken, (as per Policy CS3), to ensure the character of this edge of village location was not harmed by this.

With regards to housing mix, it is considered that a proposal which complies with policy CS3 could be achieved. The provision of 52 affordable units is also a significant benefit of the scheme which should be given weight within the planning balance.

Landscape and Visual Impact

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

There are no specific landscape designations for the site. The site is located within The Soar Valley Landscape Character Area, an area noted for its flat wide river floodplain with rising valley sides. The river floodplain creates the recognisable character of the Soar Valley, a pastoral landscape of fields and wetlands with recreational facilities and wildlife areas. The valley slopes enclose it and add diversity with their variety of vegetation and land use or settlements and industry. The area to

the north, east and south of the site is rural in nature, with the addition of the main midland railway line to the east which breaks up the immediate landscape in this locality. The area has sparse woodland cover. The strength of the landscape character is of moderate quality, and the landscape condition is moderate. The guidelines are to generally conserve and enhance the pastoral landscape of the floodplain and maintain the current balance between the urban and rural character of the valley.

The site lies in open country outside of the settlement limits. Its characteristic as a flat open field is consistent with the character of the Soar Valley landscape area. The site is partially screened from the wider landscape area via the existing built form to the west and south. The site is more visible from the north and from the east, albeit views are broken with the presence of the railway line along with some mature trees and hedgerow cover.

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

The indicative development framework plan shows the proposed access road and green infrastructure towards the northern edge of the site. The housing development would be located in parcels through the site, around the land set aside for the school extension and around a central area of green infrastructure. An area of land would be retained for agricultural along the eastern boundary, between the application and the railway line. The existing green boundaries to the site will be retained and strengthened with additional hedge and tree planting. A new wildlife area would also be provided along the eastern boundary of the site. Given the location of the housing land away from the northern edge of the site, the existing appearance of the entrance to the village from Sileby to the north would not be completely lost. The appearance of the access can be somewhat mitigated through careful landscaping provision to the northern edge of the site. The location of the site to the east of the village would maintain the existing separation from the adjoining settlement of Sileby, with the overall width of the gap between the villages would not be reduced.

Whilst there would be some significant changes to the immediate appearance of the landscape through the construction of the access road which necessitates the removal of the existing hedgerow and trees at the access point, and, the development of housing on agricultural land, the effects overall would be relatively localised and of limited overall landscape impact. This could be mitigated with additional planting to be secured as part of the reserved matters application. Also, whilst only having minimal weight at the present time in the planning balance, the findings of the evidence base for the Draft Local Plan indicates that the development of the site could be accommodated without significant harm to the landscape.

It is therefore concluded that the overall long term impact on the landscape character of The Soar Valley would not be so significant as to change the overall character of the area or fail to comply with the guidelines of the landscape character appraisal. Whilst it should be acknowledged that there would be some limited landscape impacts at the site level, it is considered that the localised visual impact of the development could be mitigated following careful consideration of design at the reserved matters stage if outline consent were to be granted. It is therefore considered that a scheme could be designed which accords with policies CS2, EV/1 and CT/2 in this

regard.

Design and Layout

Policy CS2 seeks high quality design for new development. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative Development Framework Plan has been submitted which shows how the site could be developed and design principles are also set out within the Design and Access Statement. It is important that any key design parameters are identified and secured for inclusion within any reserved matters application by way of conditions if they are fundamental to the acceptability of the outline consent.

Given the need for landscape and visual mitigation and the need to protect amenity the following design parameters are suggested:

- The provision of a descending hierarchy of streets throughout the site
- Built form which sensitively integrates the school extension and drop-off facilities into the layout by using buildings to 'wrap' around the school land
- Providing good connectivity to the school land from the streets and pedestrian routes
- The provision of keynote buildings and feature green spaces with trees within the development parcels to include incidental planting along with trees and verges which are distinctive to Cossington
- The provision of green infrastructure along the eastern and western boundaries and structural landscaping adjacent to the built form along the northern edge of the site
- The provision of links through to the village to facilitate the link existing and proposed new development.
- Development to be predominantly single or two storey

If the application were to be considered acceptable, a planning condition securing specific securing these parameters could be attached to secure compliance with the design aspirations of the relevant policies and the NPPF (2021). Accordingly, it is considered a proposal that complied with Policies CS2 and EV/1 of the Development Plan and national guidance in terms of design could be achieved for the site.

Heritage

The boundary of the adopted Cossington Conservation Area is situated approximately 100m to the south west the site at its nearest point. Nos. 6-10 Main

Street on the northern side of Main Street and opposite to the proposed access point are Locally Listed Buildings.

When considering a development proposal within a conservation area or within the setting of a locally listed building, sections 68 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the asset and Paragraphs 199-204 of the NPPF states that when considering the impact of a proposed development on the significance or setting of a designated or non-designated heritage asset, great weight should be given to the asset's conservation.

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

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

The boundary of the Conservation Area is located in the south west of the site approximately 100m away. The site does not form part of any key views to or from the Conservation Area including the approach from the north. The scheme given this context would be unlikely to result in any harm to the significance of the setting of the Conservation Area.

The significance of the locally listed buildings, nos. 6-10 Main Street opposite to the proposed access to the site can be described as follows:

- *Terrace of 3 Almshouses, constructed in 1872;*
- *Vernacular / Domestic Revival styling;*
- *Red/yellow local brick with stone dressings to openings;*
- *Pitched Swithland slate roof with 2 substantial ridge stacks embracing centre cottage;*
- *Pitched roof extends over single storey outrigger at rear of building, possibly a sympathetic later addition;*
- *3 & 4 light windows with stone mullions, each casement sub divided horizontally into 3 panes*

The proposed development would be visible from the locally listed buildings, but the view would be only a slight given the set back of the housing areas to avoid the flood zone. Landscaping adjacent to the access point into the site can also be secured to

soften the visual impact of the development. It is concluded that there would be no direct impact on the buildings or their setting as a result of the proposed development. The careful consideration of the design and layout of a reserved matters scheme if outline consent were to be granted could also ensure that the development would not harm the setting of the non-designated heritage assets.

Due to the location of the site within a Conservation Area and within the setting of the locally listed buildings, an assessment as to the potential impact on the designated and non-designated heritage assets must be made. With reference to paragraphs 199-204 of the NPPF, it is overall considered that the development would result in no harm to the significance to the designated heritage asset or its setting, that of the Cossington Conservation Area and the setting of the non-designated heritage asset, that of the locally listed buildings, Nos. 6-10 Main Street. The proposal therefore complies with the provisions of CS14 and the NPPF along with the Act in this regard.

Open Space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the NPPF and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy.

The indicative plan and the Design and Access Statement suggest that within the site there will be areas green space incorporating amenity open space, play space and provision for older children. There is, however, no provision for older sports or allotments. Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the area could be secured.

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

Impact on Residential Amenity

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

Objections have been received with concerns raised over the potential loss of privacy and amenity from the development.

The development would be visible from the existing housing occupiers to the west of the site along Main Street, Homefield Close, Fisher Close and Bennett's Lane. However, whilst these residents would see the proposed development there are no significant concerns identified at this time regarding the preservation of existing residential amenity. It will be necessary at a future reserved matters stage to ensure that the design, layout, scale and appearance of the development has regard for the

separation distances contained within the Design SPD (2020) to prevent over-dominance and a loss of light or privacy to existing dwellings. It will also be necessary to ensure the position of any LEAP or NEAP play areas are sufficiently distant from existing and proposed dwellings to prevent undue noise disturbance. The potential for noise and disturbance to the existing dwellings as a result of the new roads within the development is also a consideration. However it is considered that the site can be suitably designed at the reserved matters stage to ensure no such loss of existing amenity occurs.

The amenities of the future occupiers of the development would be a consideration in the assessment of a future reserved matters application for the development if outline permission was granted. Whilst only indicative plans are submitted at this stage, it is considered that a suitably designed scheme could be provided which complied with the provisions of the Development Plan in this regard. The Environmental Protection Officer has recommended planning conditions that require noise mitigation measures to be approved as part of the detailed design of the dwellings due to the sites proximity to the Midland Mainline.

The proposal could, therefore, following careful design, comply with the provisions of policies CS2 and EV/1 along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

Highway Matters

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

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

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

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

Site Access

The main access to the site will be provided via a simple priority junction from Main Street, Cossington, at the north-west corner of the site, with an emergency access proposed from Humble Lane along the southern boundary of the site.

Main Site Access

The main access from Cossington Road will be formed by a simple priority junction from the outside of the bend at the northern end of the village. The layout has been revised to 6m in width to allow satisfactory access by a coach so that it does not sweep over the footways. The LHA is content with the revised layout of the main site access.

Emergency Site Access

A revised layout of the proposed emergency access from Humble Lane at the southern end of the site is shown on the submit plans. The LHA would comment as follows on the revised design:

- The access is now shown with a 5.5m carriageway and 2m footway, which is satisfactory;
- Swept path analysis for a refuse vehicle has been shown. The LHA notes that this would slightly overrun the verge on Humble lane, however minor widening can be agreed as part of the future S.278 detailed design and technical approval process for the emergency access;
- Swept path analysis for a coach has been shown on the submitted plans. The LHA notes that this would slightly overrun the verge on Humble lane, however minor widening can be agreed as part of the future S.278 detailed design and technical approval process for the emergency access;
- Swept path analysis for a hay wagon accessing and egressing the replacement field access has been shown on the submitted plans. The LHA notes that whilst the proposed design cannot accommodate such a vehicle, the supporting information with the application sets out that a Hay Wagon could not use the existing field access. Accordingly, the LHA is content with respect to this matter.

The LHA notes that insufficient details have been provided over how the use of the emergency access will physically controlled, and, that no details have been provided by the Applicant over how it will be managed and enforced. Given that insufficient information has been provided, and also given that it is unlikely that the LHA would adopt the emergency access beyond the back of the field access, the LHA has advised an appropriate planning condition to enable these matters to the detailed and agreed.

With respect to consultation with the emergency services, the LHA notes that neither the Leicestershire Fire & Rescue Service nor the East Midlands Ambulance Service have any comments. Whilst the LHA understands that the Police service has not responded to the Applicant's enquiry, the LHA is content that further consultation can be undertaken with the Police as part of responding to the condition referred to above. For the avoidance of doubt, the LHA accepts the emergency access in this instance solely because it forms a flooding mitigation measure. Otherwise, the LHA would not support such a proposal.

Pedestrian and Cycle Access

Pedestrian and cycle access is proposed via both the main site access and the emergency access.

Highway Safety

The Applicant has reviewed Personal Injury Collision (PIC) data for the period between January 2015 and September 2020. The area of analysis extends to Rothley crossroads and Sileby.

Further to a review of the PIC analysis set out in the TA, the LHA considers that it is unlikely that the proposed development would exacerbate any existing road safety issues.

Trip Generation, Distribution and Assignment

Based on trip generation rates extracted from the TRICS database, the proposed development is predicted to generate 81 and 84 two way vehicle trips in the morning and evening peak hours respectively. The LHA has reviewed the TRICS outputs and trip calculations, and these are acceptable.

The predicted trips have been assigned to the local highway network based on a distribution extracted from 2011 Census Travel to Work data. The LHA has spot checked the proposed distribution and assignment and is content that the trips have been assigned satisfactorily. 37% of development traffic would route to and from the north, with 63% routing to and from the south.

Further to the above, in addition to the proposed site access junction, the TA has presented the results of detailed capacity analysis at only one off site junction, the Syston Road/Main Street T-junction. The LHA is content with this approach, as the Syston Road/ Main Street junction is the only off site junction which experiences a change in peak hour vehicle trips of more than 30.

The LHA has also checked the capacity assessments which have been undertaken of both the main site access and the off-site junction of Syston Road with Main Street. Both junctions are predicted to operate within capacity, and accordingly, the LHA does not consider that the development proposals would result in a severe traffic impact on the local highway network.

Internal Layout

As this application is outline with all matters reserved except for means of access, the internal layout will be subject to a reserved matters application, should the proposed development be permitted. If the Applicant would wish the internal roads to be adopted through the Section 38 process, then the development would need to be designed fully in accordance with LHDG.

Transport Sustainability

The development is located within a reasonable walk and cycle distance of Cossington and Sileby. The site is also well located to take advantage of local bus stops on Main Street which are served by the half-hourly Kinch Bus service number 2, between Loughborough and Leicester.

The LHA would require the two closest bus stops on Main Street to be improved by the addition of raised kerbs in connection with the planning application.

Travel Plan

A Travel Plan (TP) dated 16 December 2020 and prepared by ADC has been submitted with the application, which has been updated following initial comments from the LHA and is now acceptable.

Public Rights of Way (PROW)

Public Footpath I62 runs along the boundary of the proposed development, however it was initially uncertain from the submitted information whether the Applicant was planning on retaining the legal line of Footpath I62. In response, additional information was submitted which sets out the following:

'The masterplan is illustrative and the final layout will be subject to a reserved matters application. Therefore, it cannot be pre-judged as to how the public footpath will be treated. However, the illustrative masterplan allows for it to remain on its current alignment, whilst also showing an alternative route that could be delivered, in time, depending on the future arrangements for the school extension.'

'The applicant understands the protection that footpaths have, and that their alignment should change as little as possible. However, because of safe guarding concerns, the school may be reluctant to have a public footpath running through the middle of the school site. That is a matter for the future design of the school extension site, although the reserved land will, of course, also effect the housing layout. Therefore, as noted in the Design and Access Statement, subject to the necessary consultations and agreement with the rights of way officer at Leicestershire County Council, the alignment could be adjusted to skirt around the school if required to do so by the local education authority at a future point in time.'

The LHA notes the above and advises that the satisfactory treatment of the right of way should be secured via the recommended planning conditions. The LHA notes that this could be discharged alongside the subsequent reserved matters application. The route treatment would need to be in line with the LHA's guidance notes for developers.

In conclusion the proposal is considered to provide a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown, it is considered it would be possible to provide internal roads and parking for the scheme to an acceptable design and safety. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choices for its location. Accordingly the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm.

Flooding and Drainage

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

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

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

The majority of the site is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. However, the northern part of the site is situated in flood zone 2 and the access to the site is located within Flood Zone 3. The site is mostly at a very low risk of surface water flooding with a small area in the north-western part of the site being at a moderate to high risk of surface water flooding.

The application is supported by a Flood Risk Assessment and drainage details which have been reviewed by the Environment Agency and Leicestershire Lead Local Flood Authority.

The submitted indicative Development Framework Plan shows the built form to be located within flood zone 1. Only the access point onto Main Street would be through Flood Zones 2 and 3. The land to the north of the site adjacent to the watercourse, which are within Flood Zones 2 and 3 will be retained as open space and landscaping.

The fluvial flood risk to wider areas within Cossington village and further to the north west is from the River Soar. However, modelled flood data for the River Soar shows that flood extents from the river do not extend as far as the site.

A detailed hydraulic modelling study of the watercourse along the northern boundary of the site has been undertaken to clarify the flood risk in the north adjacent to Main Street. The detailed hydraulic modelling results show that the 1 in 100 year (+30%) maximum fluvial flood depth on Main Street is 260mm, which only occurs in small isolated areas, with flood depths more typically not exceeding 100mm. To overcome any issues with the access in times of a flood event, the application makes provision for an emergency access in the south to Humble Lane. This access would be within flood zone 1.

The new site access road from Main Street will be elevated above the 1 in 100 year plus climate change flood level, thereby minimising the flood risk to users entering and leaving the site. Only at the junction with Main Street are road levels in isolated areas below the 1 in 100 year plus climate change flood level. To compensate for the removal of floodplain storage as a result of the implementation of the access road minor profiling of ground levels are proposed within landscape areas to the north of the site. Hydraulic modelling has been undertaken to show that no detrimental effect to off-site flood levels would occur as a result of the compensatory storage works. The compensatory floodplain storage excavations would provide an additional betterment to original floodplain storage capacity, which will reduce the overall flood risk to the site's access road.

Northern areas of the site are shown to be susceptible to surface water flooding, however this is considered to principally be as a result of rainfall on the site and not via overland flow from off-site areas. The surface water proposals seek to discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 30.2 l/s to an existing watercourse.

Neither the Environment Agency or Lead Local Flood Authority has raised specific objections to the proposal. This is based on the conclusions of the Flood Risk Assessment and proposed mitigation measures, which includes the provision of the emergency access onto Humble Lane.

The Leicestershire Lead Local Flood Authority and the Environment Agency have assessed the submitted information and consider that the scheme in principle is acceptable at this outline stage, subject to the imposition of appropriate planning conditions to further define the components of the Sustainable Drainage Scheme at the Reserved Matters stage. It is concluded therefore that, in principle, the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions requiring further details.

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

Ecology and Biodiversity

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

The Borough Council's Senior Ecologist has confirmed that the proposal's effects on biodiversity could be satisfactorily addressed by detailed measures secured by approval of planning conditions and approved as part of the detailed reserved matters application. In the light of the submitted Ecological Appraisal which shows a potential net gain for biodiversity on the site, there is no objection to the application. It is recommended that a mechanism be included within the Section 106 agreement that requires the reserved matters scheme to be BIA tested using an appropriate metric which can secure an off-site mitigation contribution in the event that the scheme does not protect against a net loss of biodiversity.

Overall, it is considered that a carefully considered reserved matters application could result in a development which can ensure there is not a biodiversity net loss. Policy CS13 supports development which protects biodiversity or enhances, restores or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity at the reserved matters stage and secured via the S106 agreement, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

Contaminated Land and Public Safety

The application has been supported by the submission of a ground investigation

report. The Council's Environmental Protection Team have been consulted in connection with the proposal and has suggested planning conditions to require further survey work and mitigation/remediation measures as necessary.

Having regard for all of the above, it is not considered that there would be any risk to existing or future residents that cannot be adequately mitigated and therefore the application is considered to accord with Paragraph 174 of the NPPF.

Section 106 Contributions

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Education	<ul style="list-style-type: none"> • £928,571.42 towards the extension of Cossington Primary School and provision of 1.2 hectare of land. • £18,726.90 to fund the expansion of Humphrey Perkins School to partially meet needs of the development. • £36,300.78 to fund the additional Special school places generated by the large scale of this development
Libraries	<ul style="list-style-type: none"> • £3,920.00 towards the improvement of facilities at Sileby Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.10ha) • An on-site natural and semi open space (minimum 0.62ha) • An on-site amenity green space (minimum 0.14ha) • An on-site LEAP facility • On-site provision for young people • 0.81ha on-site provision or a £42,817.00 contribution towards off-site outdoor sports facilities • 0.10ha on-site provision or a £14,680.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington • An indoor sports contribution to consist of £59,044.00 towards swimming pool facilities, £57,051.00 towards indoor court facilities and £8,424.00 towards indoor bowls rink facilities
Affordable Housing	<ul style="list-style-type: none"> • 40% of the dwellings to be affordable housing

	with 77% for affordable rent and/or social rent and 23% shared ownership.
NHS	<ul style="list-style-type: none"> • £95,739.07 to increase and improve facilities at the Banks and Highgate Medical Centre surgeries in Sileby.
Highways	<ul style="list-style-type: none"> • Raised kerb provision at two local bus stops at a cost of £4,000 • A Travel Plan monitoring fee of £6,000 • Travel pack for the first occupation of each new dwelling • Appointment of a Travel Plan co-ordinator • Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Civic Amenity	<ul style="list-style-type: none"> • £6717.00 towards the increase and improvement of the facilities at Mountsorrel Waste and Recycling facility.
Biodiversity mitigation	<ul style="list-style-type: none"> • The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss. • Mitigation on site • Offsite contribution using cost model ECCv19.1 for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)
Cossington Parochial Church	<ul style="list-style-type: none"> • Seeks a contribution of £437,500.00 towards the provision and enhancement of community facilities in Cossington.

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

With regards to the request from the Cossington Project Group on behalf of Cossington Parochial Church Council, whilst a statement of need has been provided, further information with regards to the costings have been sought and are expected shortly in order to fully assess its CIL compliancy. Members will be updated on this matter via the extras report.

Planning Balance and Conclusion

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

As there is currently an insufficient supply of deliverable housing sites (3.34 years), this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide up to 130 new units of which 40% would be affordable homes, at a time when there is an acute need in the Borough. This is a significant benefit of the scheme. These would not be provided in the most sustainable type of settlement in the Borough but nevertheless in one where there are some local facilities and services and a regular bus service to higher order centres. It is also a material consideration of limited weight that the council has identified the site as a suitable location for housing growth of significant scale within the Draft Local Plan 2021-2037. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, or flooding that cannot be mitigated, no net loss of biodiversity and landscape compensation can be secured by way of detailed landscape design. There would be no harm to heritage assets. Impacts on infrastructure and public services can be offset within the site or via commuted payments to improve facilities in the area.

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

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing. Accordingly, it is recommended planning permission should be granted conditionally subject to a S.106 agreement as set out below:

RECOMMENDATION A:

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

Education	<ul style="list-style-type: none">£928,571.42 towards the extension of Cossington Primary School and provision of 1.2 hectare of
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	<p>land to meet the needs of the development.</p> <ul style="list-style-type: none"> • £18,726.90 to fund the expansion of Humphrey Perkins School to partially meet needs of the development. • £36,300.78 to fund the additional Special school places generated by the large scale of this development.
Libraries	<ul style="list-style-type: none"> • £3,920.00 towards the improvement of facilities at Sileby Library.
Open Space	<ul style="list-style-type: none"> • An on-site multi-function green space (minimum 0.10ha) • An on-site natural and semi open space (minimum 0.62ha) • An on-site amenity green space (minimum 0.14ha) • An on-site LEAP facility • On-site provision for young people • 0.81ha on-site provision or a £42,817.00 contribution towards off-site outdoor sports facilities • 0.10ha on-site provision or a £14,680.00 contribution towards off-site provision or enhancement of allotment facilities in Cossington
Affordable Housing	<ul style="list-style-type: none"> • 40% of the dwellings to be affordable housing with 77% for affordable rent and/or social rent and 23% shared ownership.
NHS	<ul style="list-style-type: none"> • £95,739.07 to increase and improve facilities at The Banks and Highgate Medical Centre surgeries in Sileby.
Highways	<ul style="list-style-type: none"> • Raised kerb provision at the two nearest bus stops at a cost of £4,000 each • A Travel Plan monitoring fee of £6,000 • Travel pack for the first occupation of each new dwelling • Six month bus passes (two per dwelling) for the first occupation of each new dwelling
Civic Amenity	<ul style="list-style-type: none"> • £6717.00 towards the increase and improvement of the facilities at Mountsorrel Waste and Recycling facility.
Biodiversity mitigation	<ul style="list-style-type: none"> • The submission of a Biodiversity Mitigation Strategy which includes a new BIA assessment with agreed baseline for site, at reserved matters stage. Mitigation will be provided in order of the following preference to achieve no net biodiversity loss. • Mitigation on site • Offsite contribution using cost model ECCv19.1

	for a project within the vicinity of the development (to be agreed by all parties if required in the unlikely event that on-site mitigation cannot be provided.)
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RECOMMENDATION B:

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

1.	<p>Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.</p> <p>REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> • 9300-L-03-F Indicative Layout (12 July 2021) • 9300-L-02-H Framework Plan (14 Dec 2020) • ADC2089-RP-C-v4 - Flood Risk Assessment • ADC2089-RP-G – Drainage Technical Note • ADC2089-DR-002-P3 Proposed Main Street Access Junction Layout • ADC2089-DR-004-P3 Proposed Humble Lane Emergency Access Junction Layout • ADC2089-DR-051-P1 Swept Path Analysis of the Proposed Main Street Access Junction – refuse lorry • ADC2089-DR-052-P2 Swept Path Analysis of the Proposed Main Street Access Junction – coach • ADC2089-DR-053-P2 Swept Path Analysis of the Proposed Humble Lane Emergency Access – large car • ADC2089-DR-054-P2 Swept Path Analysis of the Proposed Humble Lane Emergency Access – tractor and trailer • ADC2089-DR-055-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – refuse lorry

	<ul style="list-style-type: none"> • ADC2089-DR-056-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – coach • ADC2089-DR-057-P1 Swept Path Analysis of the Proposed Humble Lane Emergency Access – hay wagon • ADC2089-DR-051-P3 Proposed Surface and Foul Water Drainage Strategy • 9300-L-01 C Site Location Plan • BWB Phase 1 Geo-Environmental Assessment • JBA Consulting Hydraulic Modelling Report Nov 2020 • fpcr Bat Report Oct 2020 • fpcr Ecological Appraisal 2020 • Design and Access Statement Dec 2020 <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area and includes an appropriate level of smaller 2/3 bedroom units and single storey units.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council's identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, and the advice within the NPPF.</p>
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> vii) the treatment proposed for all ground surfaces, including hard surfaced areas; viii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site; ix) finished levels or contours within any landscaped areas; x) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. xi) functional services above and below ground within landscaped areas; and xii) all existing trees, hedges and other landscape features, indicating clearly any to be removed. <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2 and CS11 of the Development Plan.</p>
6.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way</p>

	<p>which is in character with its surroundings and ensure compliance with policies CS2 and of the Development Plan and associated national and local guidance.</p>
7.	<p>The details of layout, appearance and scale submitted pursuant to condition 2 above shall meet with, but not be limited to, the following principles set out within the Design and Access Statement and shown on the Illustrative Masterplan:</p> <ul style="list-style-type: none"> vii. The provision of a descending hierarchy of streets throughout the site viii. Built form which sensitively integrates the school extension and drop-off facilities into the layout by using buildings to 'wrap' around the school land ix. Providing good connectivity to the school land from the streets and pedestrian routes x. The provision of keynote buildings and feature green spaces with trees within the development parcels to include incidental planting along with trees and verges which are distinctive to Cossington xi. The provision of green infrastructure along the eastern and western boundaries and structural landscaping adjacent to the built form along the northern edge of the site xii. The provision of links through to the village to facilitate the link existing and proposed new development. <p>REASON: To ensure that a high quality design is delivered that reflects its edge of village location and does not create harm to adjacent occupiers. This condition is to provide certainty that this can be achieved and ensure compliance with policies CS2 of the Development Plan and associated national and local guidance.</p>
8.	<p>The details submitted pursuant to condition 2 above shall include a façade noise map to determine noise levels at each dwelling and provide a detailed glazing and ventilation schedule to control noise within dwellings, and a schedule of external boundary treatments to limit external noise levels within private gardens.</p> <p>REASON: to ensure that appropriate external and internal noise criteria is achieved having regard for the amenity of those that will live in the development in accordance with Policy CS2 of the Core Strategy.</p>
9.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> vi. An on-site multi-function green space (minimum 0.10ha) vii. An on-site natural and semi open space (minimum 0.62ha) viii. An on-site amenity green space (minimum 0.14ha) ix. An on-site LEAP facility x. On-site provision for young people <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15</p>

10.	<p>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.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>
10.	<p>The ADC Travel Plan dated 21 June 2021 (Version 4) shall be implemented fully in accordance with its content unless an alternative Travel Plan is submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
11.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC2089-DR-002 Revision P3 have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
12.	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 42.8 and 2.4m by 44.3 metres have been provided to the southwest and northwest respectively at the site access junction. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).</p>
13.	<p>No development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way I62 adjacent to the site has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.</p>

	<p>REASON: To protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.</p>
14.	<p>Notwithstanding the details submitted, within two months of commencement of any development on site, including site works, details of the management, enforcement, and maintenance of the proposed emergency access to the site from Humble Lane have been submitted to and agreed in writing with the Local Planning Authority. The approved emergency access shall be provided prior to the first occupation of any dwelling on the site in accordance with the approved details and shall thereafter maintained at all times.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
15.	<p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres x 120 metres have been provided at the emergency access junction. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).</p>
16.	<p>Within four weeks of the emergency access onto Humble Lane being brought into use, any existing accesses on Humble Lane shall be closed permanently and the land within the highway reinstated, in accordance with details which shall have first been submitted to and agreed in writing by the local planning authority.</p> <p>REASON: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2021).</p>
17.	<p>The development shall be carried out in accordance with the submitted flood risk assessment report reference: DC2089-RP-C-v4 produced by ADC Infrastructure on the 16th December 2020 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set a minimum of 300mm above surrounding ground levels. <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p>

	<p>REASON: To reduce the risk of flooding to the proposed development and future occupants.</p>
18.	<p>The development hereby permitted must not be commenced until such time as a scheme to provide adequate floodplain compensation has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>REASON: To ensure that there are no detrimental impacts to flood storage or flood flow routes.</p>
19.	<p>Prior to the commencement of development a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <ul style="list-style-type: none"> (i) A preliminary risk assessment which has identified: <ul style="list-style-type: none"> all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site; (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.</p>
20.	<p>Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning</p>

	<p>authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>REASON: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with of the National Planning Policy Framework.</p>
21.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework.</p>
22.	<p>Prior to the occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11, CS15 and CS16.</p>
23.	<p>The existing hedges and trees located within the application site boundaries, other than at the point of the new access and internal roads shall be retained and maintained at all times. Any part of the hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants and trees of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.</p> <p>REASON: The hedges and trees are an important feature in the area and its retention is necessary to help screen the new development</p>
24.	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p>

	<p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
25.	<p>No development shall take place until a programme of archaeological work which includes a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> • The programme and methodology of site investigation and method • The programme for post investigation assessment • Provision to be made for analysis of the site investigation and recording • Provision to be made for the publication and dissemination of the analysis and records of the site investigation • Provision to be made for archive deposition of the analysis and records of the site investigation • Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. <p>All works including site clearance shall be carried out in accordance with the Written Scheme of Investigation.</p> <p>REASON: To make sure that any heritage assets are appropriately recorded and/or protected to allow compliance with policies CS14 of the Development Plan and the advice within the NPPF.</p>
26.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>
27.	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent flooding by ensuring the satisfactory management of surface water at the site.</p>
28.	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system</p>

	(including sustainable drainage systems) within the proposed development.
29.	No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority. REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy
30.	No development approved by this planning permission shall commence until an Ecological Mitigation Strategy for the site is submitted in writing for approval. The development shall be carried out and retained thereafter in accordance with the approved details. REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.
31.	Notwithstanding the submitted details, no development shall commence on site until a Phase II ground investigation has been undertaken to identify the extent, scale and type of any contamination at the site. If contamination is identified a detailed remediation scheme to bring the site to a condition suitable for the intended use along with a timetable for implementation shall be submitted in writing to the local planning authority for approval. Upon completion of the approved remedial measures a site verification report shall be provided to the satisfaction of this department including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use. REASON: To ensure that the occupiers of the development are not put at unacceptable risk from land contamination.
32.	If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until an amendment to the remediation strategy detailing how this unexpected contamination shall be dealt with has been submitted in writing and approved by the local planning authority. REASON: To ensure that the occupiers of the development are not put at unacceptable risk from land contamination.
33.	The details submitted pursuant to condition 2 above shall include an appropriate air quality assessment to determine Air Quality impacts associated with the traffic generated by the development. The assessment shall include receptors adjacent to all roads where a significant change in traffic is predicated, and, where necessary set out a mitigation strategy, including a timetable for implementation, for any necessary remedial measures. REASON: To ensure that the occupiers of the development are not put at unacceptable risk from air contamination.

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Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2019), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
4. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of infrastructure contributions necessary to make the development acceptable in planning terms.
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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design

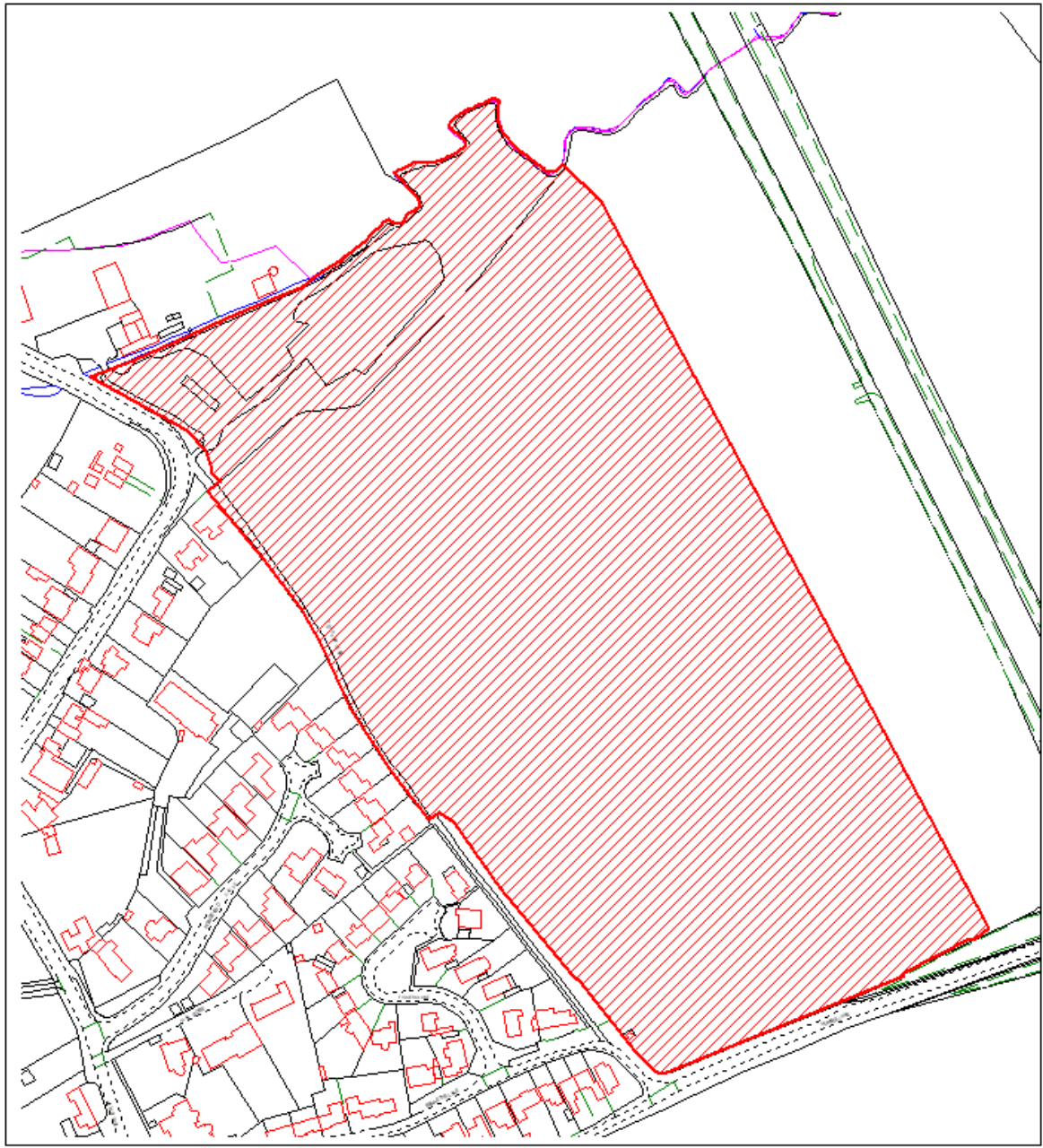
guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

8. Prior to construction, measures should be taken to ensure that users of the Public Right(s) 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.
9. 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.
10. 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.
11. All work shall follow recognised good practice such as those detailed in BS 5228 "Noise control on construction and open sites", the BRE report "Control of Dust from Construction and Demolition Activities".
12. There shall be no burning of waste on the site.
13. There shall be no audible demolition/construction noise beyond the site boundary before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Bank Holidays.
14. The surface water drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface

water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

15. 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.
 16. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
 17. 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.
 18. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
 19. Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>
 20. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
 21. Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure.
 22. Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the
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development. The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.



For Plans Committee – 1st December 2021

Additional items received since the report was drafted

Site Address: Land off Humble Lane, Cossington

Item No.2.

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

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

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

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

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

Officer Response:

Sileby Town Rugby Club

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

Early Years Education Provision

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

Travel Plan Coordinator

The additional information has been assessed and it is considered that the appointment of a Travel Plan Coordinator would comply with the CIL regulations to mitigate the impact of the development to comply with the provisions of policy CS24. The appointment of the Travel Plan Coordinator should therefore be added to the recommendation A.

Cossington Parochial Church

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

Recommendation:

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

Recommendation A:

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

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