

# Planning Appeal

## Statement of Common Ground

Town and Country Planning Act 1990 – Section 78

Town and County Planning (Development Management Procedure) (England)  
Order 2015

Town and Country Planning (Inquiries Procedure) (England) Rules 2002

**Appeal by David Wilson Homes East Midlands and  
Anthony Raymond Shuttlewood**

**Land at Cossington Road Sileby**

Against the refusal of outline planning permission by Charnwood Borough  
Council for application P/21/0491/2

*“Outline planning application for up to 170 dwellings (including affordable  
housing) with all matters reserved other than access together with associated  
landscaping and other infrastructure.”*

**January 2022**

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# 1. Introduction

## Background

1. This Planning Statement of Common Ground (PSoCG) relates to an appeal by David Wilson Homes East Midlands and Anthony Raymond Shuttlewood (“the Appellant”) against the refusal by Charnwood Borough Council (CBC or ‘the Council’) in relation to land off Cossington Road, Sileby, Leicestershire (the ‘appeal site’).
2. This SoCG has been jointly prepared by the Appellant and the Council and sets out the factual background to the appeal and those matters on which the main parties agree. It also sets out the residual matters upon which the parties are not agreed.
3. A separate Landscape Statement of Common Ground (LSoCG) has been prepared and should be read alongside this document.
4. An agreed list of Core Documents (CDs) and agreed schedule of conditions are provided separately.

## Purpose

5. This Statement has been prepared in accordance with Annexe R of the PINS Procedural Guide, Planning Appeals – England (March 2021) and Article 37 Part 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 – as amended.

This SoCG is jointly agreed by:

Signed  Date: 20/01/2022

Harry White on behalf of David Wilson Homes and Anthony Raymond Shuttlewood

Signed  Date: 20/01/2022

Helen Knott on behalf of Charnwood Borough Council

## 2. The Appeal Site and Surroundings

6. The Appeal site extends to approximately 10.17 hectares (Ha) and comprises a single arable field on the existing settlement edge of Sileby.
7. The site is bound by the existing built residential form of Sileby to the north. The western boundary is defined by Cossington Road and residential development beyond (nos 168-188 Cossington Road). To the south of the site is land associated with Brook Farm, Derrys Nurseries, a local watercourse and arable farmland. The railway embankment forms the eastern boundary of the site.
8. The northern boundary follows the linear hedge line that backs onto residential properties on Chalfont Drive and Molyneaux Drive. With similar hedgerows along the east and west boundaries. The southern boundary is a staggered and winding form that follows the farm buildings to the west and water course to the east. The southern boundary has mature hedgerow interspersed with mature trees.
9. The site is located to the south of Sileby and circa 70m of the northern edge of the village of Cossington.
10. The landform of the site is relatively low lying with the site rising upwards from Cossington Road to the northeast corner at a gentle gradient from approximately 47m AOD to just over 55m AOD.
11. The site is maintained as private farmland with no public rights of way that cross the site. In the local vicinity of the site there is a network of public rights of way that provide access from the settlements to the surrounding countryside.
12. The appeal site is located within an area designated as an Area of Local Separation (AoLS) in the Borough of Charnwood Local Plan (2004) and the emerging Charnwood Local Plan 2021-37 (Pre-Submission Draft) Consultation.
13. The site does not contain nor is near to any designated heritage assets. The nearest is the Conservation Area of Cossington to the south of the site (circa 370m), which also contains a number of Listed Buildings. Brookhouse Farm farmhouse and associated brick barns, located off Cossington Road, to the southwest corner of the site, are locally listed (2004).

14. The majority of the site is located within the Environment Agency's Flood Zone 1 (low risk of fluvial flooding) with a portion of the site in Flood Zone 2 (medium risk of fluvial flooding) and Flood Zone 3 (high risk of fluvial flooding). The majority of the site is at low risk of surface water flooding with a small portion at a medium to high risk of surface water flooding on the western boundary of the site along the ordinary watercourse.
15. The developable area of the appeal proposal extends to 4.29 ha. At 4.29 ha, the appeal site does not exceed the EIA screening threshold as set out at Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). Similarly, neither is the site within a "sensitive area" as defined in the EIA Regulations which may otherwise require an application/appeal to be formally screened.

## Planning History

16. There is no known planning history in respect of the site.

## The Appeal Proposal

17. The Appellant seeks outline planning permission with all matters reserved save for the means of access, for a residential development comprising:
- Up to 170 dwellings which will include a mix of dwelling types and sizes to meet a range of householder needs;
  - Up to 30% affordable housing;
  - Vehicular access onto Cossington Road; and
  - New public open space, totalling approximately 5.88 ha (57.8% of the appeal site area), including a Locally Equipped Area of Play (LEAP), together with surface water attenuation.
18. The application was validated by Charnwood Borough Council on 3<sup>rd</sup> March 2021 (Council ref: P/21/0491/2) and was refused by delegated powers on the 17<sup>th</sup> September 2021 (CD5.01).
19. The proposed development falls within the description at 10B of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017), It is agreed that the

proposed development is not Environmental Impact Assessment (EIA) development.

### Plans for Approval

20. The drawings for which the Appellant seeks planning permission for are as follows:

Drawing ref	Drawing Name
Drawing SIL/LOC/01	Location Plan (SDOC-1)
B024412/35/18/003	Proposed Site Access Junction (SDOC-15)

### Statutory Consultees

21. The Officer Report (DNDOC-2) details that technical matters were resolved to the satisfaction of the following technical consultees on the application, who raised no objection, subject to the imposition of conditions and/or contributions where appropriate:

- CBC Housing Strategy and Support
- CBC Conservation
- CBC Open Spaces
- LCC as Lead Flood Authority.
- LCC as Highway Authority
- LCC Education
- LCC Developer Contributions
- Leicestershire Police
- Environment Agency
- Network Rail
- NHS CCG
- Natural England

22. The Appellant was not requested to provide a completed Section 106 Agreement prior to the determination of the planning application albeit the absence of a completed Planning Obligation was given as RfR2. The appellant will prepare a Planning Obligation to provide for those matters as set out in the Contributions Table within the Officers Report (**CD5.02** Page 30).

23. The following Heads of Terms are agreed:

- 30% Affordable Housing (77% rent and 23% shared ownership);
- Provision of Travel Packs (£52.85 x 170 dwelling) at a total cost of £8,984.50;
- Provision of 6-month bus passes (£430x2 x 170 dwelling) at a total cost of £146,200 – 2x application forms per dwelling to be facilitated by the Travel Plan co-ordinator and paid/funded on successful application;
- STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee at a cost of £6,000;
- New Bus shelter at Bus Stop ID 260008504 at a cost of £4,500;
- Raised kerbs to allow level access; to support modern bus fleets with low floor capabilities at £3500 per stop at both Bus Stop 260008534 and 260008504 at a total cost of £7,000;
- Information display case at Bus Stop ID260008534 at a cost of £120; – Flag & Pole at Bus Stop ID 260008534 at a cost of £170;
- Open Space minimum on-site contributions:
  - 0.13ha parks;
  - 0.82ha natural and semi-natural open space;
  - 0.19ha amenity green space; and
  - LEAP/LAP combined facility x 1
- Open Space off-site financial contributions:
  - Outdoor sports facilities at a cost of £55,992;
  - Allotments at a cost of £19,197; and
  - Indoor sport comprising additional pool space (£77,211), indoor courts (£74,605) and indoor bowls rinks (£11,016) at a total cost of £162,832;
- Education – Early Years at a cost of £124,698;
- Education – Primary School at a cost of £744,192;
- Education – Secondary School at a cost of £0, raising to a cost of £ 507,499.64 should applications 2021/0760/02, 2021/0759/02, 2021/0738/02, 2021/2393/02 and 2021/1446/02 all be approved.
- Education – Post-16 at a cost of £0;
- Education – Special Schools at a cost of £0, raising to a cost of £95,962.33 should applications 2021/0760/02, 2021/0759/02, 2021/0738/02, 2021/2393/02 and 2021/1446/02 all be approved prior to the determination of this application.
- Leicestershire Libraries contribution at a cost of £5,130;
- Waste Management contribution at a cost of £8,784.

## 3. Development Plan

### Development Plan

24. The Development Plan, for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004 comprises:
- The Saved Policies of the Charnwood Local Plan 2004 (CLP) (Adopted January 2004) (CD6.01)
  - The Charnwood Local Plan 2011 to 2028 Core Strategy (CCS) (Adopted November 2015) (CD6.02)
  - Sileby Neighbourhood Plan (SNP) (Made January 2020) (CD6.12)

### Charnwood Local Plan 2004

25. The Charnwood Local Plan was adopted in 2004 and covers the Plan period 1991 to 2006. A number of policies were saved by a direction from the Secretary of State in 2007. Some of the Saved Policies have since been superseded following adoption of the Core Strategy (November 2015).
26. The Council in its RfR refer to the following 'saved' Policies:
- ST/2: Limits to Development
  - CT1: General Principles for Areas of Countryside, Green Wedge and Local Separation
  - CT/4: Development in Areas of Local Separation

### The Charnwood Local Plan 2011 to 2028 Core Strategy

27. The Charnwood Local Plan 2011 to 2028 Core Strategy was adopted in November 2015. The Plan was intended to deliver the strategic housing requirement as identified by the Leicester and Leicestershire Strategic Housing Market Assessment 2014 (the 2014 SHMA).
28. The Council's RFR1 refers to the following Policies:
- CS1: Development Strategy
  - CS11: Landscape and Countryside
29. RfR2, which relates to the absence of a Planning Obligation, refers to the following Policies:
- CS3: Strategic Housing Needs

- CS24: Delivering Infrastructure

30. The following policies are considered to be of relevance:

- CS2: High Quality Design
- CS13: Biodiversity and Geodiversity
- CS15: Open Spaces, Sports and Recreation
- CS17: Sustainable Travel
- CS25: Presumption in Favour of Sustainable Development

### Sileby Neighbourhood Plan (SNP)

31. The Sileby Neighbourhood Plan covers the period 2018 to 2036 It was Made in January 2020. The Plan reflects the Core Strategy strategic housing requirement as identified by the Leicester and Leicestershire Strategic Housing Market Assessment 2014 (the 2014 SHMA). The Neighbourhood Plan is over 2 years old and has no unreserved housing allocations to meet an identified housing need, thus the provisions of Paragraph 14 are not applicable.

32. RfR1 alleges that the appeal proposals are contrary to the following SNP policies:

- G1: Limits to Development
- G2: Design

33. The following SNP policies are considered to be of relevance:

- H1: Reserve Sites
- H2: Windfall Development
- H3: Housing Mix
- H4: Affordable Housing
- T5: Walking and Cycling

### Material Considerations

34. Material considerations in this appeal include the following:

- National Planning Policy Framework 2021 (the 'Framework')
- National Planning Practice Guidance ('PPG')
- Emerging Charnwood Local Plan 2021-37

- Council's adopted and emerging evidence base, including, but not limited to:
  - Green Wedges, Urban Fringe Infrastructure Enhancement Zones and Areas of Local Separation, ARUP, (March 2016 and Addendum May 2019)
  - The Charnwood Landscape Capacity and Sensitivity Assessment Addendum, LUV, (February 2021)
  - The Charnwood Landscape Sensitivity Assessment, Charnwood Borough Council Officers, (July 2021)
  - National Design Guide
  - Leicestershire County Council Local Transport Plan (LTP)
  - Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017
  - Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)
  - Design Supplementary Planning Document (January 2020)
  - The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)
  - Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)
  - Other Relevant Decisions and Judgements to be agreed and added to Core Document List in due course.

## 4. Matters on which the parties agree

35. The following matters are agreed between the parties.

### Adopted Planning Policy

36. The appeal site lies outside (but adjacent to) the settlement of Sileby, within an area designated as an Area of Local Separation, as defined on the Borough-wide Polices Map.

37. It is agreed that Sileby is identified as one of Charnwood's seven service centres in the adopted Core Strategy. To achieve the Core Strategy of 'urban concentration and regeneration' development was focussed in the Principal Urban Area, Loughborough and Shepshed and then the Service Centres. Service Centres are acknowledged to be sustainable settlements, having been designated due to having a population of over 3,000 people and containing the following key services and facilities:

- a primary school and good access to a secondary school;
- access to employment opportunities;
- food shops and a post office;
- good access to a doctors surgery;
- a good, regular public transport services to at least one main urban centre and reasonable bus access to nearby villages;
- and a good range of recreation, leisure and community facilities

38. It is agreed that the Core Strategy (2015) directed at least 3,000 dwellings to be delivered across the Service Centres in the period 2011 to 2028.

39. It is agreed that the most important policies for the determination of this appeal comprise:

- Saved Charnwood Local Plan 2004 Policies:
  - ST/2: Limits to Development
  - CT/1: General Principles for Areas of Countryside, Green Wedge and Local Separation
  - CT/2 – Development in the Countryside
  - CT/4: Development in Areas of Local Separation
- Charnwood Core Strategy
  - CS1: Development Strategy

- CS11: Landscape and Countryside
  - Sileby Neighbourhood Plan (2020)
    - G1: Limits to Development
    - G2: Design
40. It is agreed that Saved Policies of the Charnwood Local Plan 2004 and the Core Strategy (2015) are now more than five years old.
41. It is agreed that the Council is unable to demonstrate a minimum five-year housing land supply as required under Paragraph 73 of the Framework. The Council can demonstrate a 3.34 year supply as of the 31<sup>st</sup> March 2021
42. In the context of the above it is agreed that the titled balance in Paragraph 11 of the Framework is engaged. Accordingly, it is agreed that the appeal proposal should be approved unless the harms significantly and demonstrably outweigh the benefits of the Development when assessed against the policies in this Framework taken as a whole.
43. It is agreed that Paragraph 14 of the Framework is not engaged as the Sileby Neighbourhood Plan, became part of the development plan more than two years ago and does not make any full housing allocations to meet an identified housing need. It is therefore agreed that conflict with the Neighbourhood Plan cannot be considered significant and demonstrable harm to outweigh the identified benefits on its own. Saved Charnwood Local Plan Policy ST/2, Core Strategy Policy CS1 and Neighbourhood Plan Policy G1 are out of date. Given the significant housing land shortfall it is agreed that the weight which can be attributed to these policies is limited.
44. It is agreed that Policy CS11 allows a judgement to be made about whether “new development clearly maintains the separation between the built-up areas”.
45. Additional matters on which parties agree in respect of the interpretation of Policy CS11 are set out in the Landscape Statement of Common Ground.

## Emerging Planning policy

46. It is agreed that the Council is preparing a new local plan for Charnwood. A Scoping consultation took place in July 2016 followed by a second consultation in April 2018 focussed on the key issues and options. A Draft Plan Consultation was undertaken in November 2019 with the Pre Submission Draft Plan published for consultation in July 2021 (Regulation 19). The Council submitted the Plan for Examination in December 2021 with an examination anticipated to take place later this year. The Inspector will be updated on this matter during the course of the appeal proceedings.
47. The strategic housing requirement in the Draft Plan is a minimum of 17,776 dwellings for the period 2021 – 2037 which equates to 1,111 dwellings per annum. This comprises the local housing need based on the standard methodology. Following a change in the City of Leicester’s housing need in December 2020, Leicestershire local authorities are working collaboratively to agree an apportionment of unmet need and the Charnwood Local Plan contains policy to this effect. The Leicester and Leicestershire Statement of Common Ground Relating to Housing and Employment Land Needs (March 2021) puts the unmet housing need at over 16,500 dwellings up to 2036.
48. It is agreed that the Draft Plan again identifies Sileby as a Service Centre. It is agreed that the Plan proposes the delivery of at least 2,747 dwellings across the Service Centres, which equates to 14% of the overall level of housing to be delivered over the Plan period.
49. It is agreed that the Draft Plan makes provision for 345 new dwellings in Sileby across 6 sites, 3 of which are on greenfield land beyond the settlement boundary. The largest of these sites is an allocation at Land off Barnards Drive for 228 dwellings. The Draft Plan also allocates a greenfield site of 124 dwellings on Land to the rear of Derry’s Garden centre in Cossington (the site is the subject of an outline planning application for up to 130 dwellings and which received resolution to grant at Plans Committee on the 30<sup>th</sup> November 2021 (ref: P/20/2393/2)).
50. The Draft Local Plan has been submitted the Secretary of State and it awaits full scrutiny through the examination process. It is therefore agreed that it can only be afforded limited weight as a material consideration in this appeal.

## Site Delivery

51. It is agreed that a condition requiring the submission of reserved matters applications within 18 months (rather than the customary three years) could be imposed to ensure development is commenced at the earliest opportunity if the appeal is allowed. It is further agreed that on this basis, the proposed development could make a significant contribution within the current five-year period, thereby supporting the Council's five-year housing land supply position.

## Sileby Suitability

52. It is agreed that Sileby is one seven service centres which means that it is one of the more sustainable settlements within Charnwood to provide for additional growth.

## Accessibility

53. The site is situated approximately 1km to the south of Silbey and approximately 10km from Leicester City centre. It is agreed that the appeal site is located within walking and cycling distance of a range of local facilities and services (measured from the centre of the site) including:

- Lime Tree Day Nursery (200m)
- Cossington C of E Primary School (550m)
- Chine House Veterinary Hospital (850m)
- Fish and Chips takeaway (930m)
- Sileby Community Centre (935m)
- Chinese takeaway (940m)
- Tesco Supermarket (950m)
- Other town centre (banks, cafes fast-food, newsagents, professional services (1km)
- Riverside Pharmacy (1.5km)

54. It is agreed that the site is within reach of existing services and facilities within Sileby. Services and facilities within the village centre are within walking distance of the site (approximately 1km north on Cossington Road). This is within the National Travel Survey (NTS) 2020 average walking distance of 1.36km and all facilities are located within the Manual for Streets suggested upper limit, referenced in the former PPG13 guidance of 2km.

55. It is agreed that existing bus stops are located within 70m of the site, on Cossington Road, served by the 2 service which provides regular access to Leicester City and Loughborough, with stops in the centre of Sileby, Quorn, Barrow on Soar and Birstall. The frequency of services is set out below.

Service / Route	Mon - Fri Frequency			Sat Frequency
	7am – 9am	9am – 5pm	4pm - 6pm	9am – 6pm
2 (Loughborough – Leicester)	30 Minutes	30 Minutes	30 Minutes	30 Minutes
2 (Leicester- Loughborough)	30 Minutes	30 Minutes	30 Minutes	30 Minutes

56. It is agreed that Sileby Railway Station is 1.2km walk from the site. This provides ready access to the wider region via the Midland Main Line. This includes services to Leicester, Nottingham and London. On weekdays there are trains to Leicester, Nottingham and Lincoln every hour during the morning peak period and one train every two hours in the inter-peak and evening peak hours. Trains to Leicester have an approximate 15-minute duration, trains to Nottingham have an approximate 30-minute duration and trains to Lincoln have an approximate 1-hour 30-minute duration.
57. It is agreed that a footway with verge is provided along the site frontage with Cossington Road providing a safe walking route towards Sileby to the north and Cossington to the south.
58. It is agreed that the route from/towards Sileby is considered safe for cyclists, being lit and subject to a 30mph speed limit. There is a good range of cycle routes and suitable roads within the vicinity of the site to provide residents with a realistic option to travel by bike to nearby destinations.

### Access, Highway Capacity and Safety

59. It is agreed that the application was supported by a Transportation Assessment (CD1.06) and Travel Plan (CD1.07), and that the County Highways Authority did not raise any objections.
60. It is agreed that highways capacity assessments undertaken by the Appellant have demonstrated that the traffic generated from the appeal proposal would not have a material impact on queues or delays on the local highway network.
61. It is agreed that a safe and suitable access can be provided from Cossington Road to the development site for active and vehicular modes of transport. The necessary visibility splays can be achieved on land that it either under the control of the Appellant or within the adopted highway; no third-party land is affected.

62. It is agreed that the number and severity of Personal Injury Accidents (PIAs) in the immediate vicinity of the appeal site does not give any undue cause for concern and the level of traffic associated with the development will not have an unacceptable impact on highway safety.
63. Subject to the appeal being allowed it is agreed that subject to the imposition of the suggested conditions from the local highway authority and the provision of the suggested schedules within the Planning Obligation, there are no highways or transportation reasons why outline planning permission should not be granted.

### Market Housing

64. It is agreed that the provision of 119 market dwellings is a benefit of the appeal proposal. It is agreed that the precise housing mix is not a matter for determination at this stage but that an appropriate housing mix, compliant with relevant policy requirements, can be secured at the Reserved Matters stage.

### Affordable Housing

65. The appeal proposal provides up to 30% affordable housing on site (up to 51 affordable dwellings) which accords with Policy CS3 of the Core Strategy.
66. It is agreed that the Council's own Housing Need Assessment (September 2020), confirms that since HEDNA in 2017 (which covered the period 2011 to 2036), the annual level of affordable housing need has increased from 392 dpa to 476 dpa; a 20% increase.
67. It is agreed that the latest ONS Median Affordability Ratio for Charnwood is 7.68 (March 2021).

### Economic Benefits

68. Economic benefits associated from the appeal proposals include:
- Construction spend;
  - The creation of short-term local construction jobs;
  - New residents would generate local expenditure which would help sustain and support local businesses and services;
  - Local planning authority benefits in regard to additional Council Tax revenues.,

## Design and Layout

69. It is agreed that the application was supported by a Design and Access Statement (CD1.16) which was prepared in accordance with relevant policy requirements, national planning practice guidance and best practice.
70. It is agreed that the final iteration of the Illustrative Masterplan (ref: GL1400 13A) at CD2.06 provides one iteration as to how the development could be accommodated on-site.
71. Subject to the appeal being allowed it is considered that any amenity issues could be designed out either prior to or during the determination period for the related reserved matters.
72. Subject to the appeal being allowed it is considered that design related issues could be designed out either prior to or during the determination period for the related reserved matters.

## Landscape and Area of Local Separation

73. Matters of agreement in respect of Landscape and the Area of Local Separation are discussed in detail in the Landscape Statement of Common Ground.

## Heritage

74. It is agreed that there is no objection to the appeal proposal from Historic England.
75. It is agreed that there are no objections to the appeal proposal from Charnwood Borough Council's Conservation Officer in relation to ecology matters, there are no comments in relation to heritage issues
76. It is It is agreed that the site does not contain any designated heritage asset but is within 200m of a conservation area.
77. Brook Farm farmhouse and the brick barns located off Cossington Road at the south west corner of the site are locally listed (2004). The National Planning Policy Framework (Paragraph 208) advises that the effect of an application on the significance of a non-designated heritage asset should be taken into

account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

78. It is agreed that the appeal proposal relates to the field to the north of the buildings with the proposed housing development being located further to the north retaining an area of open public land close to the locally listed buildings.

### Agricultural Land Quality

79. It is agreed that the majority of the appeal site comprises Grade 2 agricultural land with a small area of Grade 3 a and Grade 3 through the centre and to the south east of the site.

### Noise and Vibrations

80. It is agreed that the application was supported by a Noise and Vibration Assessment (CD1.10).
81. It is agreed that appropriate mitigation can be secured by condition to ensure that the internal living conditions of the proposed dwellings meet relevant standards.
82. Subject to the appeal being allowed it is considered that noise related issues could be designed out either prior to or during the determination period for the related reserved matters.

### Drainage and Flood Risk

83. It is agreed that the application was supported by a Flood Risk Assessment which included an outline surface water drainage strategy, the findings and recommendations of which were accepted by the Lead Local Flood Authority. It is agreed that there is no objection to the appeal proposal from Leicestershire County Council as Lead Local Flood Authority or from the Environment Agency.
84. It is agreed that the appeal site is predominantly within Flood Zone 1. Subject to the appeal being allowed it is considered that flood management related issues could be designed out either prior to or during the determination period for the related reserved matters application

## Ecology

85. It is agreed that the application was supported by ecological survey data to the satisfaction of the Borough Council's Senior Ecologist. Where necessary, appropriate mitigation can be secured by condition. A biodiversity net-gain can be achieved through the delivery of the scheme.
86. It is agreed that the appeal proposal does not affect, nor has any implication for, and habitat sites under the Conservation of Habitats and Species Regulations 2017.
87. Subject to the appeal being allowed it is considered that ecology related issues could be designed out either prior to or during the determination period for the related reserved matters application.

## Education

88. It is agreed that financial contributions towards primary and secondary education provision will be provided in accordance with the consultee response from Leicestershire County Education.

## Benefits of Appeal Proposal and Associated Weight

89. It is agreed that the benefits of the appeal proposal are as follows:
- The provision of market housing in a location with an identified need, where the Council is unable to demonstrate the minimum five year housing land supply.
  - The provision of affordable housing in a location where the affordability of housing is higher than the East Midlands average, and the Council's own Housing Need Assessment (September 2020) confirms an increase in affordable housing need from 392 dwellings per annum in 2017 to 476 dwellings per annum in in 2020.
  - Biodiversity net gain in respect of habitat creation and hedgerows.
  - Economic benefits in respect of construction and supply-chain logistics as well as retaining local spend, contributing to the economic dimension of sustainable development. The increase in local expenditure will help to sustain local facilities and services together with local authority benefits including Council Tax revenues.

## 5. Matters on which the Parties Disagree

90. This section sets out the matters on which the two parties do not agree. This should be read alongside the Landscape Statement of Common Ground.

### Area of Local Separation

91. The parties disagree on the level of harm caused by introducing development into an Area of Local Separation and the character and harm to the villages that occurs as a result.

### Landscape and Visual Impact

92. The parties disagree on the extent to which the proposal may be harmful to the character and appearance of the area.

### The Benefits Arising from the Development

93. The parties disagree that the following matters comprise benefits of the appeal proposal:
- The provision of new publicly accessible green infrastructure providing access for existing residents to the south of Sileby to extensive open space.
  - The opportunity to deliver new planting to, over time, replace existing planting to better reflect the characteristics of the wider landscape.
  - Delivery of a new, high quality, sensitively designed edge to the settlement.
  - The provision of family housing within walking distance of Primary Schools.

### Planning Balance

94. The parties disagree on whether the appeal proposal comprises sustainable development.
95. The parties disagree on whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.