

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.”*

Summary Proof of Evidence

February 2021

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

1. Introduction

- 1.1 This Proof of Evidence has been prepared on behalf of David Wilson Homes East Midlands and Anthony Raymond Shuttlewood (the appellants) in relation to their appeal against the decision of Charnwood Borough Council (CBC) to refuse to grant outline planning application for up to 170 dwellings (all matters reserved other than access together with associated landscaping and other infrastructure) (LPA ref: P/21/0491/2, PINS ref: APP/X2410/W/21/3287864).
- 1.2 This summary and my main proof of evidence address the planning considerations relevant to the appeal and should be read in conjunction with the Landscape proof of evidence prepared by Mr Andrew Cook, which covers matters relating to Landscape and the Area of Local Separation.

Qualifications

- 1.3 I am Angela Smedley, I am a Chartered Town Planner and Associate Director of Planning at Fisher German, based in Ashby de la Zouch, Leicestershire. I hold a B.A.(Hons) and Postgraduate Diploma in Town Planning from the University of Nottingham. I am a member of the Royal Town Planning Institute.
- 1.4 I have over 16 years professional planning experience in the private sector, with over 8 years at Fisher German, and have acted for a variety of clients on a wide range of projects including residential, commercial, retail and renewable energy on behalf of national, regional and local house builders, businesses, charities and private landowners.

2. The site and its surroundings

- 2.1 A description of the appeal site and its surroundings is set out in paragraphs 6 to 15 of the Planning SoCG.
- 2.2 As set out in paragraph 16 of the Planning SoCG, there is no known planning history in respect of the site.



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3. The Appeal Proposal

3.1 As set out at paragraph 17 of the Planning SoCG, the appellant seeks outline planning permission with all matters reserved save for means of access, for a residential development comprising:

- Up to 170 dwellings which include a mix of dwelling types and sizes to meet a range of housebuilder needs;
- 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.

3.2 The application was determined by Officers under delegated powers and the decision notice was issued on 17th September 2021.

4. Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (the 'NPPF') is obviously an important material consideration.

National Planning Policy and Guidance

4.2 The National Planning Policy Framework (the NPPF) and the Planning Practice Guidance set out the Government's planning policies, and how they are expected to be applied. Relevant parts are set out in the Planning SOCG.

Development Plan

Adopted Planning Policy

4.3 As set out in Paragraph 24 of the Planning SoCG, the Development Plan comprises:

- The Saved Policies of the Charnwood Local Plan 2004 (CLP) (adopted January 2004) (CD6.01). The Local Plan covered the period 1991 to 2006. The document was prepared in accordance with previous National Planning Policy, which has subsequently been replaced by the NPPF. The policies which form part of the Development Plan were saved by a direction of the Secretary of State in in September 2007. The saved policies remain part of the Development Plan some 15 years later.

- The Charnwood Local Plan 2011 to 2028 Core Strategy (CCS) (Adopted November 2015) (CD6.03). The Core Strategy is over five years old and thus requires review. The housing requirement contained within the Core Strategy, was based on the Leicester and Leicestershire Strategic Housing Market Assessment (2014) (SHMA), which is also out of date being well over five years old.
- Sileby Neighbourhood Plan (SNP) (Made in January 2020) (CD6.13). This Neighbourhood Plan passed a Referendum on 21st November 2019 and was Made on 16th January 2020.

5. The Inspectors Main Issues

5.1 In Section 5-8 of my main proof of evidence, I address the Inspector's main issues with reference to Mr Cook's conclusions and within this context assess any conflict with the development plan policies and weight to be given to any conflict with those policies.

5.2 The main issues include:

- a) Whether the proposed development would be in a suitable location having regard to the development plan and national policies
- b) The effect of the proposed development on the character and appearance of the area in relation to landscape and the Area of Local Separation
- c) whether or not the proposed development makes adequate provision for affordable housing and other infrastructure requirements.
- d) whether or not any conflict with the development plan and harm arising is outweighed by other considerations

6. Conclusions and planning balance

8.1 This appeal proposes residential development on a site in Sileby, a Service Centre, acknowledged to be one of the more sustainable settlements within Charnwood to provide for additional growth, within the context of a shortfall in the Council's five-year supply of housing.

8.2 The appeal proposals should be decided in accordance with the development plan unless material considerations indicate otherwise. The Council cannot demonstrate a deliverable five-year housing land supply and in addition, the housing policies in the adopted Core Strategy, the Local Plan, and

Neighbourhood Plan are out of date. In this context it is agreed that the titled balance in Paragraph 11 of the NPPF is engaged and 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 NPPF taken as a whole.

- 8.3 There would be no conflict with Core Strategy Policy CS1 as the housing requirements set within the policy are minimums, not maximums.
- 8.4 There would be limited conflict with Policy CS11 in relation to the last three bullet points, however the proposals accord with the first three bullet points and the latter statement, requiring a judgment to be made regarding maintaining the separation between the built-up areas of the settlements.
- 8.5 There would be some conflict with Saved Policy ST/2 and CT/1 of the Local Plan and Policy G1 of the Sileby Neighbourhood Plan insofar as they seek to restrict residential development beyond the existing settlement boundaries. However, I give limited weight to the conflict with the blanket restriction set by these policies because they are based on settlement boundaries which reflect an out-of-date housing requirement, and the Council cannot demonstrate a five-year housing land supply.
- 8.6 There would be conflict with Saved Policy CT/4, but no breach of the purpose of the policy, therefore affording limited weight only.
- 8.7 There would be no conflict with Neighbourhood Plan Policy G2 regarding design as the scheme accords with the criteria within the policy.
- 8.8 I give weight to these policies insofar as they would allow sustainable development where the landscape harm is not significant. However, I give limited weight to the conflict the proposed development has with these policies in this regard because Mr Cook's evidence concludes that the harm arising as a result of the proposed development would not be significant and highly localised.
- 8.9 In terms of paragraph 11d)ii. of the NPPF, Mr Cook has identified that there would be some adverse impacts but these are not significant and are highly localised and there is overall compliance with the NPPF in terms of respecting character and appearance.

8.10

8.11 In relation to other matters set out in Section 5 of the Planning SoCG, such as education, healthcare, highways, flood risk and drainage, and ecology, I consider that the proposed development has been demonstrated to be acceptable, in accordance with the development plan and the NPPF. The matters should be afforded neutral weight.

8.12 Weighing in favour of the proposed development would be a range of tangible benefits as I have discussed in Section 8 of my proof of evidence:

- The proposed development would deliver market housing in a sustainable location, in a borough where the Council cannot demonstrate a five year housing land supply. New residential development should therefore be afforded **very significant weight**.
- The proposals would also deliver a policy compliant level of affordable housing in an authority with very significant levels of unmet need. It would contribute to addressing the needs of Charnwood who are in urgent need of an affordable home. This should be afforded **very significant weight**.
- The delivery of 5.88ha of public open space, including an equipped area of play should be afforded **significant weight**.
- The delivery of family housing within walking distance of Primary Schools play should be afforded **moderate weight**.
- The associated economic benefits of the proposed development (construction phase and long-term impacts) should be afforded **moderate weight**.
- The delivery of housing in a sustainable location, with good access to shops, services and public transport facilities, reducing the need for the use of the private car should be afforded **significant weight**.
- The environmental benefits of new planting better reflect the characteristics of the wider landscape should be afforded **significant weight**.
- The delivery of a new, high quality, sensitively designed edge to the settlement, creating a more positive interface to the countryside should be afforded **significant weight**.
- The delivery of biodiversity net gains in excess of the target 10% Biodiversity Net Gain which is being introduced through the Environment Bill should be afforded **moderate weight**.

8.13 I consider that the benefits of the scheme are considerable and should be afforded significant weight. The harms arising from the appeal proposal are considered to be limited. As I have demonstrated, I consider

that the appeal scheme accords with the up-to-date Development Plan when considered as a whole, with conflicts arising only against policies which are out of date or for which only limited weight can be afforded.

- 8.14 The tilted balance is engaged, therefore planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. It is my professional opinion that the limited harm arising from granting permission is not considered to significantly and demonstrably outweigh the benefits of this proposals, and as a consequence planning permission should be granted.
- 8.15 Further, this is not only a case where harm doesn't significantly and demonstrably outweigh benefits. This in fact is a case where benefits significantly and demonstrably outweigh harm. The benefits in their own right could be seen as material considerations in indicating that permission should be granted because they will deliver benefits not only to the residents of the proposed development, but to the wider Sileby community and beyond. Accordingly, I give these benefits significant weight.
- 8.16 In conclusion, the harm does not significantly and demonstrably outweigh the benefits, rather the benefits outweigh the harm, and therefore in accordance with the development plan as a whole and the NPPF, planning permission should be granted. I therefore respectfully invite the Inspector to allow the appeal.