

LANDSCAPE STATEMENT OF COMMON GROUND – REV 1

BETWEEN:

**BDW TRADING LIMITED
&
CHARNWOOD BOROUGH COUNCIL**

LAND AT COSSINGTON ROAD, SILEBY

PROPOSAL: 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

**LPA REF: P/21/0491/2
PPG REF: P22-0187**

DATE: MARCH 2022

Signed: 	Signed: 
Name: Helen Knott	Name: Andrew Cook
On behalf of: Charnwood Borough Council (the Local Planning Authority)	On behalf of: Pegasus Group (acting on behalf of the Appellant)
Date: 11.03.2022	Date: 11.03.2022

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1. INTRODUCTION

- 1.1 This revised Landscape Statement of Common Ground (LSoCG) has been prepared by Pegasus Group, on behalf of David Wilson Homes East Midlands and Anthony Raymond Shuttlewood (“the Appellant”). This statement has two appendices which relate to viewpoint locations and visual analysis set out in a Scott Schedule at Appendix 2.
- 1.2 It has been prepared in conjunction with Charnwood Borough Council (“the LPA”). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in connection with Land at Cossington Road, Sileby (“The Appeal Site”).
- 1.3 This appeal relates to the refusal of planning application P/21/0491/2 on the 17th September 2021 with the Decision Notice stating two Reasons for refusal (RfRs). This LSCG relates only to the first RfR, which states:

“The local planning authority is of the opinion that the proposal would lead to the loss of an Area of Local Separation resulting in a significantly narrowed and reduced actual and perceived gap of open undeveloped land between the villages of Sileby and Cossington contrary to Core Strategy Policy CS11 and the saved policy CT/4 in the adopted Borough of Charnwood Local Plan. The resulting harm would also have a significant harmful impact to the character of the countryside and the separate identities of the villages of Sileby and Cossington which is well documented in Council studies and assessments. This would be contrary to interests of the well established planning policies, and emerging policies in the draft Charnwood Local Plan, to prevent the coalescence and merging of villages in the Soar Valley. This significant adverse impact is considered to significantly and demonstrably outweigh the benefits of allowing the development because of the harmful effect it would have on the purpose and integrity of the Area of Local Separation and would undermine its continuing planning function.”

- 1.4 The purpose of this LSoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that

remain in dispute. This will allow the Public Inquiry to focus on the most pertinent issues. This LSoCG should be read in conjunction with the Planning SoCG.

2. SITE LOCATION AND DESCRIPTION

- 2.1 The site is located to the east of Cossington Road contiguous with the southern edge of Sileby, Leicestershire. The site extends to approximately 10.17 hectares comprising a single field maintained as arable farmland extending between the settlement edge to the north, Cossington Road to the west, the Midland Mainline Railway to the east (MMR) and a combination of Brook Farm, Derry's Nurseries site and a local watercourse to the south.
- 2.2 The site itself is mostly comprises a single field under arable production, with a clipped native hedgerow at the boundary with Cossington Road with no notable tree cover.
- 2.3 To the north there are various boundary treatments to the gardens off Chalfont Drive and Molyneux Drive, including hedgerows, fences and walls. To the east there is taller vegetation cover associated with the embankment boundary to the railway, but where the railway is level with the natural ground the boundary is post and wire fence. In contrast to the south, there is a well-established vegetated boundary associated with the local watercourse and sections of Leylandii hedgerow associated with the northern boundary of the adjoining nursery site. The car parking area around Brook Farm barn is bordered by post and rail fence.
- 2.4 In terms of landform, the eastern part of the settlement sits above the 50m AOD contour, with the built form west of Cossington Road below 50m AOD with the landform gently rising to the east. The site forms part of this landform. The landform of the site is falling north-east to south-west at a gentle gradient from just above 55m AOD to approximately 47m AOD at Brook Farm.
- 2.5 In terms of access and recreation, the majority of the site is maintained as private farmland without any public access. Cossington Road and Public Footpath 147, adjacent to the west of the road, are accessed by the public. To the west of Sileby there is a concentrated network of rights of way and access paths associated with the Cossington Meadows Nature Reserve that connect with the bankside footpath further to the west following the River Soar.

2.6 It is agreed that the submitted LVIA methodology is in line with the published Guideline for Landscape and Visual Impact Assessment Third Edition -2013, published by the Landscape Institute and Institute of Environmental Management and Assessment.

3. THE APPEAL PROPOSAL

3.1 The planning application that is now the subject of this appeal was submitted to Charnwood Borough Council (LPA ref: P/21/0491/2) and refused. The description of the development is as follows:

“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”

3.2 The application was submitted with all matters reserved except for access off Cossington Road. Off-site works associated with the proposed access and improvements to the footpath along Cossington Road would be subject to a Section 278 agreement.

3.3 Although the application was submitted in outline, an Illustrative Masterplan, prepared by Golby + Luck was submitted to demonstrate how the appeal site could deliver the proposed development. The Illustrative Masterplan was subject to the assessment carried out by Golby + Luck in their LVIA.

3.4 The Illustrative Masterplan shows how access can be gained directly from Cossington Road and demonstrates how the site could be laid out and provide landscaped area which could be maintained as informal public open space and an equipped area of play, with other necessary infrastructure, such as drainage basin.

3.5 In addition, the masterplan showed the transformation of the existing arable land use to species rich meadows with open water features and increased native tree cover in combination with the proposed access and recreation facilities.

3.6 The illustrative masterplan proposal indicated:

- 4.29 hectares of development land.
- 5.88 hectares of public open space and structural landscaping that would be laid out as accessible species rich meadows.

- The open space would include approximately 0.32 hectares of open attenuation that could be managed and maintained as seasonally flooding wet meadows and include areas of permanent water.
- A network of surfaced footpaths that would aim to provide inclusive access to local green space.
- Play and recreation facilities that would aim to provide a fitness and leisure resource for the community.

3.7 It is suggested that the proposed green space would need to be the subject of a long-term Ecological and Landscape Management Plan and would need to be put forward for adoption by the Local Authority or approved management company.

4. APPLICATION PLANS AND DOCUMENTS

4.1 The application plans and supporting documents that comprised the planning application at the time that the appeal was lodged are listed on the Council's planning portal. Those that are specifically informative to this SoCG include the following:

- Landscape and Visual Impact Assessment (LVIA) February 2021 Issue 2 by Golby + Luck Ltd,
- a number of visualisations identified on the Council's planning portal as View 1 – View 5, and
- Topographical Survey.

5. PUTATIVE REASONS FOR REFUSAL

5.1 The application was refused on 17th of September 2021 with the Decision Notice providing two Reasons for Refusal (RfRs):

"1. The local planning authority is of the opinion that the proposal would lead to the loss of an Area of Local Separation resulting in a significantly narrowed and reduced actual and perceived gap of open undeveloped land between the villages of Sileby and Cossington contrary to Core Strategy Policy CS11 and the saved policy CT/4 in the adopted Borough of Charnwood Local Plan. The resulting harm would also have a significant harmful impact to the character of the countryside and the separate identities of the villages of Sileby and Cossington which is well documented in Council studies and assessments. This would be contrary

to interests of the well established planning policies, and emerging policies in the draft Charnwood Local Plan, to prevent the coalescence and merging of villages in the Soar Valley. This significant adverse impact is considered to significantly and demonstrably outweigh the benefits of allowing the development because of the harmful effect it would have on the purpose and integrity of the Area of Local Separation and would undermine its continuing planning function.

To approve the development would be contrary to Policies CS1 and CS11 of Charnwood Core Strategy, 'saved' Policies ST/2, CT/1 and CT/4 of the Charnwood Local Plan, Policies G1 and G2 of Sileby Neighbourhood Plan, and the aims and objectives of the National Planning Policy Framework. In combination these harms are considered to significantly and demonstrably outweigh the benefits of the scheme when taken as a whole.

2. The development creates demand for open space, education provision and healthcare services which cannot be met by existing services. Additionally there is a need to secure affordable housing and an appropriate mix of type tenure and size of home in order to ensure that the proposal complies with development plan policy CS3. Notwithstanding the submitted Heads of Terms these matters have not been secured by way of a Section 106 Legal Agreement at this time. Accordingly the development fails to comply with policies CS3 and CS24 of the Development Plan and would lead to significant and demonstrable harm which would outweigh the benefits of the scheme.

5.2 It is agreed that only the first RfR is relevant to the landscape and visual issues.

6. PLANNING CONTEXT

6.1 It is agreed that the site is located within the jurisdiction of Charnwood Borough Council with the relevant landscape policies set out in the Charnwood Borough Council Local Plan 2011 - 2028 Core Strategy, Local Plan (2004) and the Sileby Neighbourhood Plan 2018 - 2036.

Draft Charnwood Local Plan 2019 – 2036 (2019)

- 6.2 The policies in the Draft Local Plan are emerging but the submitted LVIA used the parts of the most recent planning evidence base produced in support of the plan that includes the SHLAA Assessment. The site is not included in this assessment but the consideration of local sites at Sileby and Cossington may provide some insight to local landscape sensitivity.

Charnwood Borough Council - Charnwood Borough Landscape Sensitivity Assessment of SHLAA Sites 2019

- 6.3 It is agreed that the SHLAA Assessment 2019 does not include the appeal site. It does, however, include SHLAA site PSH260 that is assessed as being of medium landscape sensitivity to 2-3 storey residential development. This site is identified as housing allocation HA59 in the Draft Local Plan that has been granted outline planning permission for the development of up to 130 dwellings with provision of land for school expansion (planning reference P/20/2393/2).

Charnwood Borough Landscape Capacity and Sensitivity Assessment Addendum, Feb 2021

- 6.4 It is agreed that the Charnwood Borough Landscape Capacity and Sensitivity Assessment Addendum, Feb 2021, which was prepared as an addendum to the Assessment of SHLAA Sites 2019 identifies the appeal site as PSH474. The published document states that the site is assessed as being of medium to low landscape sensitivity to 2-3 storey residential development.

Charnwood Landscape Sensitivity Assessment 2021

- 6.5 The Charnwood Landscape Sensitivity Assessment 2021 identifies the appeal site as PSH474.

Charnwood Borough Council Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation Methodology and Assessment Findings Report 2016

- 6.6 The published Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation Methodology and Assessment Findings Report 2016 identifies the appeal site as being located within ALS-D. The Council's published assessment assesses ALD-D as having a 'moderate' purpose score.

7. LANDSCAPE AND VISUAL BASELINE

- 7.1 It is agreed that at a national level the site and its local setting are located within National Character Area 69: Trent Valley Washlands (NCA 69). It is agreed that this NCA is large in comparison to the site, but the broad characteristics are generally present and identifiable with the local valley setting of the River Soar.
- 7.2 It is agreed that in the published Borough of Charnwood Landscape Character Assessment the site is identified within the Soar Valley LCA.
- 7.3 It is agreed that the key characteristics of the Soar Valley LCA and general description are considered to be representative of the wider valley setting of the River Soar and local setting of the site.
- 7.4 It is agreed that this landscape was defined as being of moderate strength of character and moderate condition, promoting a landscape strategy of conservation and enhancement.
- 7.5 It is agreed that the LVIA includes a series of representative views that have been taken from publicly accessible locations including the public highway and public rights of way, with the exception of Viewpoint 3 which is within the Appeal site itself. Whilst this location should be visited by the Inspector, additional supplementary micro-siting of this viewpoint onto the turning area on Molyneux Drive is also suggested on the Viewpoints Location & Inspector's Itinerary Plan, which also includes the other micro-siting referenced in Mr. Higson's proof of evidence (at Viewpoints 2, 6 and 7).
- 7.6 It is agreed that the visual baseline assessment has confirmed that the site affords a framework of settlement to the north and west that restricts its visual setting to the adjoining housing and highways associated with the boundaries of the site. To the south the visual setting of the site is substantially contained by the treed setting of the local watercourse and Derry's Nurseries site, allowing only heavily filtered views that are characterised by the open undeveloped arable fields. To the south-west the visual setting of the site is restricted to the localised setting of pasture to the west of Cossington Road/Main Street. To the east there is a clear view from the railway line which passes along the boundary. Beyond this there are filtered views of the site from the wider valley slopes where it is viewed in the immediate context of the modern settlement, the industrial

backdrop of the Soar Valley to the west (and the distinctive Charnwood Forest beyond), and the wider reaches of Sileby that extends across the valley slopes.

8. MATTERS IN DISPUTE

- 8.1 The issues that remain in dispute between the Appellant and the Council can be narrowed down to the following.
- 8.2 The Local Planning Authority alleges that the proposal would lead to a significant narrowing of the gap.
- 8.3 There is a difference in the professional judgement of the parties as to how the proposal would have a bearing upon the actual gap of undeveloped land between Sileby and Cossington.
- 8.4 There is a difference in the professional judgement of the parties as to how the proposal would have a bearing upon the perceived gap of undeveloped land between Sileby and Cossington.
- 8.5 There is dispute between the parties as to the harm that would affect the character of the countryside.
- 8.6 There is dispute between the parties as to how the alleged significant harmful impact to the character of the countryside would affect the separate identities of the villages of Sileby and Cossington. There is a difference of professional judgement between the parties as to the affect upon coalescence and the merging of the two villages.
- 8.7 There is a difference of professional judgement between the parties as to whether the site constitutes a valued landscape.
- 8.8 There is a difference of professional judgement between the parties concerning the nature of effects.
- 8.9 There is a difference of professional judgement between the parties concerning the degree of visual effects.

9. PLANNING CONDITIONS AND OBLIGATIONS

- 9.1 An agreed set of conditions will be provided to the Inspector before the start of the Inquiry.

Appendix 1: Viewpoint Locations & Inspector's Itinerary Plan

Appendix 2: Scott Schedule regarding viewpoint analysis – Summary of Visual Effects