

# Planning Statement

## Land off Cossington Road, Sileby

Prepared by Fisher German LLP on Behalf of  
David Wilson Homes East Midlands



**Project Title:**

Land off Cossington Road, Sileby - Charnwood District

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# 01 Executive Summary

- 1.1 This Planning Statement has been prepared on behalf of David Wilson Homes East Midlands in relation to land east of Cossington Road, Sileby. David Wilson Homes are a respected national firm, who have a strong track record of delivery in the local area.
- 1.2 The planning application seeks outline planning permission for the erection of up to 170 dwellings, all matters reserved except for access. Details relating to the appearance, layout, amount, and scale of development as well as landscaping within the site are to be the subject of subsequent reserved matters approval.
- 1.3 It is acknowledged by Charnwood Borough Council that it cannot currently demonstrate a five-year housing land supply. Moreover, as detailed in this Planning Statement, a number of key policies are considered to be out of date. As such, the application should be considered with regard to the presumption in favour of sustainable development, i.e. the application should be approved, unless it can be shown that any adverse impacts significantly and demonstrably outweigh the benefits. We contend that there are significant benefits relating to the proposed scheme, including the delivery of market and affordable housing within a five-year period, which must be afforded significant weight. Conversely, there are very few negative impacts which would preclude the delivery of the site.
- 1.4 It is recognised that the presumption in favour of sustainable development may not apply in situations where the proposals conflict with a recently adopted Neighbourhood Plan however, this only applies where the Neighbourhood Plan contains policies to meet its identified housing requirement. As demonstrated in this Planning Statement, the Neighbourhood Plan does not make sufficient provision to meet its housing requirement, a point demonstrated by the Council's emerging Local Plan which seeks to allocate land in the settlement over the same Plan period. As such, despite the recently made Sileby Neighbourhood Plan (January 2020), the provision of Paragraph 14 of the Framework is not applicable, and the application must be considered in line with Paragraph 11, and permission approved.

- 1.5 Sileby is acknowledged to be a one of the Council's most sustainable settlements, as demonstrated by the role of the settlement in adopted and emerging policy and the Council's adopted evidence. The site is within close proximity to services in both Sileby and Cossington. There is a regular bus service, within 100m of the site, which would enable residents to live much of their lives without a reliance on a private car. Development in this location would therefore clearly constitute sustainable development.
- 1.6 The proposed development will deliver a highly sustainable residential development adjacent to Sileby. It will have positive social, economic and environmental benefits, whilst also assisting the Council in boosting the supply of housing and the delivery of housing in the coming years. This is particularly pertinent in the context of an out-of-date Development Plan, an increased local housing need derived from the updated standard methodology and lack of five year land supply. Sileby needs residential development to come forward to contribute towards sustaining and increasing the vitality and viability of its local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy. The National Planning Policy Framework (2019) contains a clear presumption in favour of sustainable development, in scenarios such as this.
- 1.7 The application is supported by detailed reports and technical surveys which consider the impact of the proposed development on the site and its surroundings. All of these reports and surveys conclude that the proposal can be comfortably assimilated into its surroundings without any significant adverse impacts. Furthermore, there are no technical considerations or complications in respect of land ownership which would delay the delivery of the site or undermine it's viability.

## 02 Introduction

- 2.1 This Planning Statement has been prepared on behalf of David Wilson Homes East Midlands in relation to land east of Cossington Road, Sileby. The planning application seeks outline planning permission for the erection of up to 170 dwellings.
- 2.2 All matters are reserved except access. Details relating to the appearance, layout, amount, and scale of development as well as landscaping within the site are to be the subject of subsequent reserved matters approval.
- 2.3 The application is supported by the following documentation:
- Site Location Plan
  - Illustrative Masterplan
  - Landscape and Visual Impact Assessment
  - Extended Phase 1 Habitat Survey
  - Tree Survey
  - Transport Assessment
  - Travel Plan
  - Flood Risk Assessment & Drainage Strategy
  - Noise Assessment
  - Design and Access Statement
  - Statement of Community Involvement
- 2.4 This Planning Statement sets out the background relevant to the determination of application, by describing the site and its general locality, before setting out details of the proposed development. The Statement goes on to provide an overview of the planning policy context against which the development must be assessed, followed by a detailed consideration of the development proposals against the policy context and all other relevant material considerations.
- 2.5 The benefits to be delivered by the development will substantially outweigh any minor residual impacts. It is considered that there are compelling grounds to grant planning permission for the proposed development, including:

- Construction of additional housing to significantly boost Charnwood Borough Council's supply of both market and affordable housing, including a mixture of dwelling types and sizes
- New significant area of public open space, 5.88ha, including parkland, a LEAP and trim trail for both existing and future residents;
- The protection and enhancement of existing landscape and biodiversity habitats; and
- A boost to the local economy through employment and training opportunities during construction, increased spend from local residents in the local economy following completion, together with the delivery of New Homes Bonus.

# 03 Site and Surrounding Area

## The Site

- 3.1 The site extends to 10.17 hectares (ha) and is located to the south of Sileby, east of Cossington Road, and is formed of a single arable field. The eastern boundary of the site is defined by the Midland Main Line railway line. The western boundary is defined by Cossington Road and residential development (nos 168-188 Cossington Road) and the north is defined by further existing residential development, comprising of Chalfornt Drive, Molyneux Drive and Charles Street. To the south of the site is land associated with Derrys Nurseries and arable farmland.
- 3.2 The existing built form and mature planting, including that associated with and around Derrys Nurseries, largely prevents intervisibility from the northern part of Cossington, and the application site and Sileby beyond.



Figure 1: Site Location Plan

- 3.3 Due to the surrounding uses, the site benefits from being well contained with existing strong defensible boundaries on all sides. The sites southern boundary is formed of existing mature tree planting, which will further seek to minimise the impact of any proposals from views from the south, including Humble Lane, particularly the bridge over the railway line. The site further benefits from existing containment with residential dwellings on the sites northern and western boundaries, the latter being west of Cossington Road.
- 3.4 The site is well located to 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). A convenience store is located within a 350 metre walk of the site. The site also benefits from easy access to the services and facilities within Cossington, including Cossington C of E Primary School, which is within 400m of the site. 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.
- 3.5 Vehicular access to the site is currently achieved via an existing access to the west of the site onto Cossington Road.
- 3.6 The site does not contain or is near to any designated heritage asset. The nearest heritage asset to the site is the Conservation Area of Cossington and a number of Listed Buildings also located in Cossington. There is little to no intervisibility from any of the designated heritage assets due to existing built form.
- 3.7 The site is also not subject to any statutory environmental designations. The ecology survey sets out that the proposed development will not have an impact on any statutory sites, with the nearest Local Wildlife Sites being sufficiently far away to avoid any direct impact. There was no evidence of any significant locally rare plants or plant communities within or around the site area surveyed during the survey. The survey did not identify any physical evidence or field signs of protected species within the survey area. Primary features of ecological value, such as hedgerows are to be retained where possible.

- 3.8 The Flood Risk Map for planning shows the site as lying predominantly within Flood Zone 1 (Low Probability of Flooding from rivers or sea). The supporting Flood Risk Assessment demonstrates how the site can be brought forward with proposed mitigation measures which will be incorporated into the final scheme. As demonstrated in the accompanying drainage strategy, any impacts can be mitigated with standard on site water management systems.

### **Planning History**

- 3.9 There is no known planning history of note for the application site, as shown on the Council's interactive mapping portal.

## 04 The Proposed Development

- 4.1 Outline planning consent is sought for residential development on land east of Cossington Road, Sileby, all matters other than access are reserved for future consideration. Details relating to the appearance, layout, scale, and landscaping within the site are to be the subject of subsequent reserved matters approval.
- 4.2 The application is accompanied by an Illustrative Masterplan which shows how the site could be developed for a scheme of up to 170 dwellings. The Masterplan illustrates the retention of existing trees and hedgerows, with development restricted to the north of the site. The Illustrative Masterplan also shows the creation of significant areas of new publicly accessible open space, serving to maintain a clear separation between the settlement of Sileby and Cossington. The Masterplan also illustrates the following key elements of the scheme:
- Up to 170 dwellings, including a mixture of dwelling types and sizes;
  - Up to 30% affordable housing;
  - Vehicular access onto Cossington Road;
  - Policy compliant housing mix and parking provision; and
  - Extensive new Public Open Space, equating to 57.8% of the site (5.88ha), including a LEAP and trim trial.
- 4.3 The proposal is shown on the following application plans:
- Site Location Plan;
  - Illustrative Masterplan
- 4.4 The Illustrative Masterplan, which takes into consideration good urban design principles, is submitted for illustrative purposes to demonstrate how the site can accommodate the development proposals. This plan is not for approval at this stage, as the layout of the proposed development is reserved for subsequent approval.

- 4.5 The development will provide a mix of dwelling types and sizes in response to the Council's adopted planning policies. The development will also include a policy compliant level of affordable housing (i.e. up to 30%) to contribute towards the need for affordable housing in Sileby and the Borough as a whole. The tenure of the affordable housing required on the site will be led by discussions with the Council, market conditions and evidence of need.

### **Consultation**

- 4.6 David Wilson Homes has sought to engage with the local community in respect of the proposals for the site. To inform the community about the new development proposals, a consultation leaflet was distributed to residents within Sileby inviting them to submit feedback between 20<sup>th</sup> January and the 28<sup>th</sup> of January 2021. Matters relating to the consultation and the responses received are fully detailed in the separate Statement of Community Involvement (SCI) submitted with the planning application.

# 05 EIA Screening

- 5.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out that wherein an application is for Schedule 2 development, it is necessary to establish whether the application is likely to have “*significant effects on the environment by virtue of factors such as its nature, size or location*”. If the application is considered likely to have significant effects, a full EIA will be required. Schedule 2 development includes development of more than 150 dwellings. Having regard for submitted evidence, we are confident that there will be no significant effects that would necessitate a full EIA. The site is not of high environmental value. The site is not of high landscape value, as demonstrated in the LVIA. Similarly, the site does not have high heritage value, as demonstrated through the submitted historic assessments. The site is located some distance from the nearest statutory historical designations. The site does not have high ecological value and is considered to be fairly standard for the locality, as demonstrated in the Phase 1 ecological walkover.
- 5.2 On the basis of the submitted evidence and the conclusions of this statement, the proposal does not compromise EIA development.

## 06 Planning Policy Context

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Charnwood Borough, material to this proposal comprises:
- The Saved Policies of the Charnwood Local Plan 2004 (CLP) (adopted January 2004)
  - The Charnwood Local Plan 2011 to 2028 Core Strategy (CCS) (Adopted November 2015)
  - Sileby Neighbourhood Plan (SNP) (Passed Referendum: November 2019, Made: 16<sup>th</sup> January 2020)
- 6.2 The Borough Council also is currently advancing a new Local Plan, which when adopted will replace the Local Plan and Core Strategy. The Council consulted on a draft Plan between November and December 2019. The Local Development Scheme sets out that the Council intend to consult on a Pre-Submission Local Plan imminently, with a Council Officer advising that this is to be the Spring, with submission of the Plan in the middle of 2021. The Council anticipate concluding the examination and receipt of the Inspectors Report, for adoption of the Local Plan in early 2022. This site is has been promoted through the Development Plan process also.
- 6.3 In addition, national government policy, principally the National Planning Policy Framework published in February 2019 (the Framework), is material to the determination of planning applications.
- 6.4 Paragraph 48 of the Framework sets out the extent to which weight can be attributed to relevant policies in emerging Plans. Weight can be given to emerging policies subject to the stage of preparation (i.e. the more advanced in preparation, the greater weight can be given), the extent to which there are unresolved objections to relevant policies and the degree of consistency between the emerging plan and the Framework. Limited weight can therefore be given to the emerging Local Plan Review at this stage.

### The Saved Policies of the Charnwood Local Plan (adopted January 2004)

- 6.5 A number of policies were superseded upon the adoption of the Core Strategy in 2015 however many saved policies of the Charnwood Local Plan 2004 remain, until the adoption of the emerging Local Plan. These policies were saved by a direction by the Secretary of State in 2007 and are now considerably dated. The policies of relevance to this proposal are listed below.
- 6.6 The Local Plan is supported by a policies map, which shows the site as being designated as being outside the Limits to Development for Sileby (Policy ST/2) and within an Area of Local Separation (CT/4) (see Figure 2 below). Whilst such designations relate to saved policies of the Local Plan and thus remain part of the development plan, the weight attributable to these policies is severely diminished by virtue of to the now outdated housing requirement.



Figure 2: Area of Separation MP (extract from Charnwood Interactive Mapping Portal)

- 6.7 **Policy ST/2: Limits to Development** sets out that new development will be confined to sites allocated in the Local Plan and other land within the defined Limits to Development as identified on the proposals map, subject to specific exceptions set out within the Plan. Clearly this policy was adopted having regard for now considerably outdated housing numbers. Confirmation that this policy is out of date is evidenced by the emerging Local Plan, which proposes housing allocations which breach the limits to development across numerous settlements. The policy must therefore be considered out of date and as such any weight attributed significantly reduced.
- 6.8 **Policy EV/1 Design** sets out that the Borough Council will seek to ensure a high standard of design in all new developments. Planning permission will be granted for developments which meets a number of set criteria. This includes requirements to respect and enhance the local environment, having regard for scale, location, character, form and function of existing settlements; be of a design, layout scale and mass compatible with the locality and any neighbouring buildings and spaces; use appropriate materials; provide an attractive and positive built frontage, safeguard viewpoints, landmarks and skylines; use landform and existing features as the focus by which new development is designed; safeguard the amenity of adjoining properties; meet the needs of all groups including the disabled; and minimises the opportunity for crime to create a safe secure environment.
- 6.9 **Policy CT/1: General Principles for Areas of Countryside, Green Wedge and Local Separation:** states that land lying outside the defined Limits to Development on the proposals map is identified as either Countryside, Green Wedge or an Area of Local Separation. Development on such land will be strictly controlled, with planning permission being granted for schemes which re-use and adapt rural buildings and for small-scale new build development, in which there would not be significant adverse environmental impact and the proposal could not be reasonably located within or adjacent to an existing settlement and would:
- I. be essential for the efficient long-term operation of agriculture, horticulture or forestry; or
  - II. facilitate the diversification of the rural economy; or
  - III. improve facilities for recreation, or leisure uses; or
  - IV. implement strategically important schemes for mineral related uses, transport infrastructure, and for public services or utilities.

6.10 As detailed above, given the Borough Council have acknowledged that the current settlement boundaries are out of date, it is clear that any linked policies, such as CT/1, must also be considered out of date,

6.11 **Policy CT/4: Development in Areas of Local Separation** sets out the policy context for the Areas of Local Separation identified on the policies map. The policy states that on such areas development will be deemed acceptable wherein the location, scale and design of the development would ensure that:

- the predominantly open and undeveloped character of the area is retained; and
- the already narrow gap between settlements is not reduced.

This policy is intrinsically linked to CT/1 and ST/2 and is therefore considered to be out of date. Move over, the Policy has now in effect been replaced by Core Strategy Policy CS11 due to the primacy of the latter document.

6.12 **Policy TR/18: Parking Provision in New Development** sets out that planning permission for new development will not be granted unless suitable provision is made for off-street parking for vehicles, including cycles. Moreover, that servicing arrangements have been included to secure highway safety and minimise harm to visual and local amenities. Adopted standards are included within the Plan, however, given its date it is considered more updated guidance is an appropriate basis to establish parking requirements for new developments.

### **The Charnwood Local Plan 2011 to 2028 Core Strategy (Adopted November 2015)**

6.13 The Core Strategy provides the overarching spatial strategy and vision for the development of the District up to 2028. The Plan contains a number of strategic policies to guide planning applications and subsequent development plan documents, albeit a subsequent DPD was never adopted. Those policies which are considered relevant to the determination of this application are discussed in turn below, including to what extent they can be afforded weight. Whilst the Plan itself not time-expired, its housing figures are now over five years old and out of date. As such Local Housing Need established through the Standard Methodology should be used for the basis of the Authorities housing requirement. It is therefore necessary to consider each policy in respect of its consistency with the Framework and to what extent it could frustrate more up to date housing requirements.

- 6.14 **Policy CS1: Development Strategy** sets the development requirements for Charnwood Borough over the period 2011-2028. This includes the provision of at least 13,940 dwellings, equivalent to 820 dwellings per annum, derived from the 2014 Strategic Housing Market Assessment (SHMA). Policy CS1 sets out how this growth will be delivered spatially, including a significant Sustainable Urban Extensions at Leicester and Birstall, equating to 4,750 dwellings. A further 5,000 new dwellings were proposed to be delivered at Loughborough and Shepshed. A further 3,000 dwellings were to be delivered in the Plan's service Centres, which is made up of 7 settlements, including Sileby.
- 6.15 4.43 of the Core Strategy sets out that service centres have been designated as they benefit from the following 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
- 6.16 All Service Centres also benefit from a population of at least 3,000 people. The role of the service centres extends from just providing for those who live within the settlement, with Service Centres also providing an important role in serving the residents of the wider, rural hinterland.
- 6.17 **Policy CS2: High Quality Design** sets out that new developments will be required to:
- respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements;
  - protect the amenity of people who live or work nearby and those who will live in the new development;
  - function well and add to the quality of an area, not just in the short term, but over the lifetime of the development; provide attractive, well managed and safe public and private spaces;
  - provide well defined and legible streets and spaces that are easy to get around for all, including those with disabilities;
  - and reduce their impacts upon and be resilient to the effects of climate change in accordance with Policy CS16.

6.18 **Policy CS3: Strategic Housing Needs** sets the housing mix requirements for new developments. In Sileby, on sites of 10 dwellings or more, there is a requirement to deliver 30% affordable housing. The policy states that affordable housing should be delivered on site and integrated with the market housing unless there are exceptional circumstances which would contribute to the creation of mixed communities. The Policy also sets out that any scheme being advanced should seek to deliver an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area.

6.19 **Policy CS11: Landscape and Countryside** states that the Council will support and protect the character of the landscape and countryside by:

- requiring new developments to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments;
- requiring new development to take into account and mitigate its impact on tranquillity;
- requiring new development to maintain the separate identities of our towns and villages;
- supporting rural economic development, or residential development which has a strong relationship with the operational requirements of agriculture, horticulture, forestry and other land based industries and contributes to a low carbon economy, in accordance with Policy CS10;
- supporting the provision of community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan;
- and supporting rural communities by allowing housing development for local needs in accordance with Policy CS3.

6.20 The Policy also advised that the Council will protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains separation between the built-up areas of these settlements. This policy having been contained within the more recent Core Strategy takes precedent over CT/4.

6.21 **Policy CS13: Biodiversity and Geodiversity** states that the Council will support developments that protect biodiversity and geodiversity. Schemes which seek to enhance, restore or re-create biodiversity will also be supported. Development proposals will be expected to consider and take account of the impacts on biodiversity and geodiversity, with particular regard for SSSIs, Local

Wildlife Sites, Regionally Important Geological Sites, UK and Local Biodiversity Actions Plans priority habitats and species, protected species and ecological networks. Schemes which result in the loss of ecological or geological features will only be supported in exceptional circumstances. Where there are impacts on biodiversity, the Council will require adequate mitigation, or as a last result, compensation resulting in replacement provision of equal or greater value than that lost, resulting in a net gain in biodiversity. This will be assessed by requiring development proposals to be accompanied by ecological surveys and assessments of the impacts on biodiversity and geodiversity.

- 6.22 **Policy CS15: Open Spaces, Sports and Recreation** outlines that new developments must meet the open space standards set out in the Open Spaces Strategy, having regard for local provision and viability.
- 6.23 **Policy CS17: Sustainable Travel** states that by 2028, the Council will try to achieve a 6% modal shift from travel by the private car to walking, cycling and by public transport. This will be achieved by ensuring new major development provide walking, cycling and public transport access to key facilities and services. New developments must provide safe and well-lit streets and routes for walking, cycling and integrated with the wider green infrastructure network.
- 6.24 **Policy CS24: Delivering Infrastructure** affirms that by 2028 there will be significant progress towards the delivery of essential infrastructure set out in the IDP. New developments will be expected to contribute to the reasonable costs of on and off site infrastructure needs arising through the proposal, through the use of S106 and S278 agreements. The amount, type and timing of infrastructure delivery will relate to the scale of the development, viability and the impacts on the site and surrounding area.
- 6.25 **Policy CS25: Presumption in Favour of Sustainable Development** states that when considering development proposals, the council will adopt a positive approach reflective of the presumption in favour of sustainable development within the Framework. The Council will work proactively with applicants to jointly find solutions which mean the proposals can be approved wherever possible, to secure development that improves the economic, social and environmental conditions of the area.

- 6.26 Where relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate others, having regard to:
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;
  - or specific policies in that Framework indicate that development should be restricted.

### **Sileby Neighbourhood Plan (November 2019)**

- 6.27 Sileby was designated for the purposes of Neighbourhood Planning in February 2017. The Neighbourhood Plan Group consulted on a Pre-Submission Plan in June 2018, and the Plan was submitted to the Council in February 2019. The Examiner published the report in September 2019, which set out that the Plan met the basic conditions, subject to modifications, and as such could proceed to Referendum. The Referendum was held by Charnwood Council in November 2019, in which 90% of votes cast were in favour of the Plan being made. The Neighbourhood Plan was formally made on 16<sup>th</sup> January 2020.
- 6.28 **Policy G1: Limits to Development** sets development limits for Sileby. This again illustrates the appraisal site as being outside, but adjacent to the Limits for Development for Sileby. Policy G1 states that outside of the defined limits, development will be strictly controlled, save for development associated with agriculture, the provision of formal recreation or sport and finally, the provision of affordable housing through a rural exception site.
- 6.29 **Policy G2: Design** sets a number of criteria by which new developments should seek to accord. For sites outside of the Conservation Area, this includes the following requirements (appropriate for consideration at outline stage).
- New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated and proposals should clearly show within a Design and Access Statement (where appropriate) how the general character, scale, mass, density, materials and layout of development are sympathetic to any neighbouring properties and the surrounding area. Development which would have a significant adverse effect on the street scene, or the character of the countryside will only be permitted where any harm is clearly outweighed by the wider benefits of the proposal

- Contemporary or innovative design will be encouraged and supported where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context;
- Development proposals should aim to maintain and enhance biodiversity by preserving as far as possible existing trees, hedges and wildlife habitats. Where appropriate developments are encouraged to include measures to enhance biodiversity which may include:
- Providing hedges or fences with ground level gaps for property boundaries that maintain connectivity of habitat for hedgehogs;
- Development should ensure the appropriate provision for the storage of household waste and any recyclable materials;

6.30 **Policy H1: Reserve Sites** allocates a number of Reserve Sites for residential development. These include 6 sites within the settlement limits of Sileby. Combined, these sites could deliver circa 77 dwellings. The policy states that the sites will be released if the following criteria are met

- It is required to remediate a shortfall in the supply of housing land due to the failure of existing housing sites in Sileby to deliver the anticipated scale of development required;
- It becomes necessary to provide for additional homes in the Parish in accordance with any new development plan document that replaces the Charnwood Local Plan Core Strategy; and
- Any business or community uses can be satisfactorily relocated or if the need for residential development clearly outweighs the loss of these uses.

6.31 **Policy H2: Windfall Development** sets out that the development of infill and redevelopment sites within the settlement boundary will be supported wherein:

- the development comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built up area
- the site is closely surrounded by existing buildings
- the development respects the shape and form of Sileby in order to maintain its distinctive character.
- the proposal retains existing important natural boundaries.
- the proposal does not reduce garden space to an extent where it adversely impacts on the character of the area.

- The development does not result in an unacceptable loss of amenity for neighbouring occupiers.

6.32 **Policy H3: Housing Mix** sets out that new housing proposals should seek to create sustainable and, inclusive and mixed communities by providing a mix of house types and sizes that reflect up to date published evidence of need in Sileby. New dwellings are encouraged to meet building regulations 2015 M4(2) standards, including an element of M4(3).

6.33 **Policy H4: Affordable Housing** largely mirrors the Core Strategy policy, in that it requires 30% affordable on developments of 10 units or more. Moreover, that such provision should be made available as an integral part of the new development, visually indistinguishable from the equivalent market housing on the site. The affordable units should be dispersed as individual units throughout the site, subject to a registered provider being prepared to acquire such a composition. Of the new affordable housing provided, at least two thirds should be for rent, with the remainder low-cost starter homes for sale and shared ownership models.

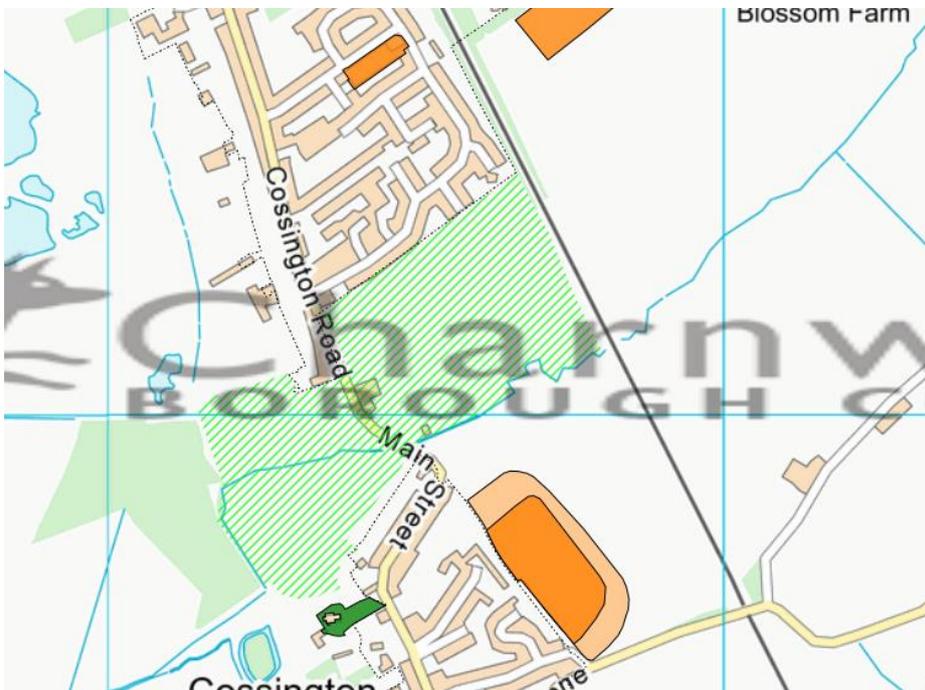
6.34 **Policy T5: Walking and Cycling** sets out that new development proposals should retain and incorporate linkages to the Public Rights of Way network, key destinations such as the village centre, GP surgeries, leisure facilities and neighbouring villages.

### **Local Plan Review**

6.35 The Borough Council have commenced work on a review of their current Development Plan, however, as previously noted, limited weight can be given to the emerging Local Plan Review, given the early stage of its preparation to date.

6.36 The Council's most recent consultation (Regulation 18) occurred between November and December 2019. This followed an initial consultation on the scope of the Local Plan Review, which was held in summer of 2016 and a "Towards a Local Plan for Charnwood" consultation which was held between April and June 2018. Having regard to the delays associated with the pandemic, it is unlikely that an adopted Local Plan will be in place before the middle of 2022 at the earliest, despite a more optimistic timeline set out by the Council.

6.37 The supporting proposals map published with the most recent published draft Plan shows the site included within an area of separation between Sileby and Cossington.



**Figure 3: Emerging Policies map extract (from Charnwood Interactive Mapping Portal)**

6.38 Table 1 of the Consultation Draft sets out that there is a requirement of 18,394 dwellings over the period 2019-2036. The Council considers there is an existing supply of 14,464 dwellings, leaving a further 5,930 dwellings to be allocated through the emerging Plan. It is noted that the draft document sets out that Charnwood does not need to assist Leicester City in meeting its unmet needs, due to provisions of the Leicester and Leicestershire Strategic Growth Plan. The Government has however published revisions to the Standard Method (December 2020), which whilst it does not directly alter the Local Housing Need for Charnwood, it does have significant impacts on Leicester City, which has its Local Housing Need increased by 35%. Against the current methodology, Leicester City will have unmet needs of circa 7,750 dwellings up to 2036. The new methodology (December 2020) results in an immediate unmet need from Leicester City and throughout the Plan period. Moreover, the quantum of unmet need is now increased by circa 11,000 dwellings, from 7,750 dwellings under the previous methodology, to 18,500 up to 2026 under the December 2020 version. Under such circumstances, it is inevitable that Charnwood will need to further increase its housing requirement to assist in meeting this shortfall. It is understood that this process will be completed through a Statement of Common Ground in line with

Government Policy, and not the non-statutory (and not examined) Leicester and Leicestershire Strategic Growth Plan. Additional allocations, above and beyond the proposed draft allocations in within the emerging Local Plan will be required.

- 6.39 Table 3 of the consultation draft sets out the proposed settlement hierarchy for Charnwood. This proposed hierarchy differs from that contained in the Core Strategy, not least as it creates a new 'Urban Settlement' tier. Sileby however, is proposed to remain as a Service Centre, which is the third tier of the spatial hierarchy, behind the new Urban Settlement Tier and main urban centre of Loughborough.
- 6.40 **Policy LP1: Development Strategy** proposes the overall spatial strategy for Charnwood between 2019 and 2036. This policy outlines the Council's intention to deliver a strategy of urban concentration and intensification. The Draft Policy sets out the strategic distribution of dwellings, with 2,490 dwellings directed towards the Service Centres, equating to 13% share of the overall planned growth for the Plan period.
- 6.41 **Policy LP3: Housing Sites** sets out the Council's proposed allocations, some of which are being carried over from the Core Strategy. In Sileby, the emerging Plan proposes the allocation of 6 sites. Of which, 3 are identified as Reserve Sites in the Neighbourhood Plan and 3 are new sites, beyond the Limits to Development set by the Neighbourhood Plan or 2004 Local Plan. The six sites identified in Sileby would deliver circa 309 dwellings, over 232 more than that identified by the Neighbourhood Plan, clearly demonstrating that the housing provision in the Neighbourhood Plan is not appropriate and does not reflect local need. It should be noted that the application site was not included in the Strategic Housing Market Assessment until December 2020, therefore it was not assessed for allocation within the last Regulation 18 Local Plan consultation. The site has since been promoted through the emerging Plan and will continue to be actively promoted as a deliverable and suitable site to meet the Borough's housing needs. The 2020 SHELAA sets out that the site is considered suitable, available and achievable, with "*no irresolvable physical/environmental constraints*".
- 6.42 **Policy LP4: Affordable Housing** sets a target of 30% affordable housing on new housing development. New housing should be delivered on-site and integrated with market housing.

- 6.43 **Policy LP6: Housing Mix** states that the Council will seek a suitable mix of house types, tenures and sizes having regard to housing needs, market conditions, economic viability and site-specific circumstances. At least 5% of all new properties to be built to Building Regulations standard M4(2) Category 2 or 3, including wheelchair accessible bungalows or other single level properties as part of the overall mix of homes provided.
- 6.44 **Policy LP19: Landscape, Countryside, Green Wedges and Areas of Local Separation** outlines that the Council will seek to carefully manage development to protect the countryside's intrinsic character and beauty. In respect of defined 'Areas of Local Separation', the draft Plan states "*we will protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the physical separation between the built-up areas of these settlements*".
- 6.45 **Policy LP22: Conserving and Enhancing Biodiversity and Geodiversity** largely mirrors the existing Core Strategy Policy. It requires development proposals to be supported by appropriate ecological surveys and assessments of the impacts on biodiversity and geodiversity. Where it is demonstrated that mitigation measures are required, relocation or as last resort compensatory measures will need to demonstrate a net gain in the biodiversity value above that lost. Further guidance on Biodiversity Net Gain will be provided by an SPD in the future.
- 6.46 **Policy LP31: Flood Risk Management** sets out that development will be directed to the areas with the lowest risk of flooding (Flood Zone 1), applying the Sequential Tests and Exception Tests where necessary.
- 6.47 **Policy LP32: Sustainable Drainage Systems (SuDS)** requires SuDS to be included as an integral part of all appropriate major development proposals.
- 6.48 **Policy LP33: Sustainable Transport** sets out that new major development proposals should provide walking, cycling and public transport access to key facilities and services. New developments should also provide well-lit, safe and attractive walking and cycling routes. New services should be located within 400m of a bus stop. New residential dwellings should have dedicated car parking spaces, including appropriate means to recharge electric vehicles. Major developments should include a robust transport assessment and travel plans.

- 6.49 **Policy LP34: Local and Strategic Road Network** states that the Council will reduce congestion and improve the efficiency of the Local and Strategic road networks by:
- requiring that sustainable transport proposals are considered first before any improvements to the local and strategic road network;
  - ensuring that all developments mitigate the impact of their proposals on the road network including any residual cumulative impact;
  - ensuring that any road improvements are supported by a robust transport assessment; and
  - requiring other network improvements as identified by appropriate transport assessments.
- 6.50 **Policy LP35: Car Parking Standards** sets out that developments which generate a demand for car parking, including residential, make provision appropriate to the scale and nature of the development proposed. Proposals should reflect guidance in the Leicestershire Highway Design Guide unless it is supported by robust evidence that demonstrates the development would not have a detrimental impact on highway safety, parking in the locality and local amenity.

## National Planning Policy Framework 2019

### Achieving Sustainable Development

- 6.51 The National Planning Policy Framework (NPPF) sets that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 6.52 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and to be pursued in mutually supportive ways. The first objective, an economic objective, seeks to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth. Secondly, the social objective supports strong, vibrant and healthy communities, by ensuring that a sufficient range of homes can be provided to meet the needs of present and future generations. Thirdly, the environmental objective of the planning system is to contribute to protecting and enhancing our natural, built and historic environment.
- 6.53 At the heart of the Framework is a presumption in favour of sustainable development. The Framework in paragraph 11 states “*plans and decisions should apply a presumption in favour of*

*sustainable development*".

6.54 Paragraph 11 goes on to state, for decision-taking this means:

- *“approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

6.55 Footnote 6 of the Framework sets out that the protected areas referred in (i) above include *“habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*

6.56 Footnote 7 of the Framework explains that policies most important for the determination of the application for housing may be considered out of date wherein the Local Authority cannot demonstrate a five-year housing land supply or where the housing delivery test is less than 75% of the housing requirement over the previous three years.

6.57 Paragraph 14 sets out that where the presumption applies to applications involving the provision of new housing, the adverse impacts of allowing development that conflicts with a Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) *“the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*

- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

### Decision-Making

- 6.58 Paragraph 38 of the Framework states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
- 6.59 At paragraph 47, the NPPF also emphasises that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 sets out that this applies only wherein the development plan is up to date. Paragraph 212 sets out that the policies within the Framework are material considerations which should be taken into account in dealing with applications.
- 6.60 Paragraph 47 also sets out that decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 6.61 With regards to planning conditions and obligations, the Framework at paragraph 54 is clear that *"Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition"*. Also, planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 6.62 Paragraph 48 of the Framework sets out that *"weight may be given to relevant policies in emerging plans according to:*
- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that 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); and*

c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*"

6.63 Paragraph 49 sets out that wherein the presumption in favour is engaged, arguments that an application is premature is unlikely to justify a refusal of planning permission, other than in the limited circumstances where in approving the application would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan and the emerging plan is at an advanced stage but not yet formally part of the development plan.

6.64 Paragraph 56 states that planning obligations must only be sought where they meet all of the following tests:

*"a) necessary to make the development acceptable in planning terms;*

*b) directly related to the development; and*

*c) fairly and reasonably related in scale and kind to the development".*

### **Delivering a Sufficient Supply of Homes**

6.65 Paragraph 59 emphasises that it is the Government's objective to significantly boost the supply of homes. Consequently, *"it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay"*.

### **Promoting Healthy and Safe Communities**

6.66 This section of the NPPF sets out a number of principles to ensure that planning policies and decisions aim to achieve healthy, inclusive, and safe places.

### **Promoting Sustainable Transport**

6.67 The NPPF states that transport issues should be considered from the earliest stages of development proposals. In considering development proposals, paragraph 108 states that it should be ensured that:

*"a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

- b) *safe and suitable access to the site can be achieved for all users; and*
- c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

6.68 Paragraph 109 states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

### **Achieving well-designed places**

6.69 The NPPF notes that good design is a key aspect of sustainable development because it *“creates better places in which to live and work and helps make development acceptable to communities”.* Paragraph 127 states that policies and decisions should ensure developments will meet several criteria, including that they function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including surrounding built environment and landscape, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

### **Meeting the Challenge of Climate Change, Flooding and Coastal Change**

6.70 This section of the NPPF sets out ways in which planning can support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It also highlights that planning should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

### **Conserving and Enhancing the Natural Environment**

6.71 Paragraph 170 of the Framework sets out a number of ways in which planning policies and decisions should contribute to and enhance the natural and local environment.

6.72 When determining applications, paragraph 175 states that local planning authorities should apply the following principles:

- “a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”.*

## **Implementation**

- 6.73 Annex 1 of the Framework confirms that the policies within it are material considerations which should be taken into account in dealing with applications from the day of its publication. It also notes that *“Plans may also need to be revised to reflect policy changes which this replacement Framework has made”.*
- 6.74 Paragraph 213 states that existing policies in Local Plans should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

## **National Planning Practice Guidance (NPPG)**

- 6.75 This online Guidance was launched in March 2014. The NPPG is not intended to make any changes to the Framework but seeks to bring together planning practice guidance for England, previously published only in separate documents, in an accessible and usable way. The NPPG is a live document and is updated regularly.

6.76 Paragraph 002 of the PPG relating to Planning Obligations sets out that planning obligations assist in *“mitigating the impact of unacceptable development to make it acceptable in planning terms”*. Additionally, it states that, *“planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms They must be:*

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development”.

# 07 Planning Assessment

7.1 The description of development for which outline planning consent is sought is: *“Outline planning application for residential development of up to 170 dwellings, all matters are reserved except for access”*.

## **Principle of Development**

7.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Charnwood consists of the remaining saved policies of the 2004 Local Plan (adopted January 2004), the adopted the Core Strategy (adopted November 2015) and the Sileby Neighbourhood Plan (Made on 16<sup>th</sup> January 2020). Work is ongoing with the Local Plan Review; it is still at a relatively early stage of preparation and has a significant level of unresolved objections, as such in accordance with Paragraph 48 of the Framework it can only be afforded limited weight.

7.3 Paragraph 11 of the NPPF sets out that when deciding planning decisions, Councils should apply a “presumption in favour of sustainable development”. For decision taking this means approving development that accords with an up-to-date development plan without delay. Where there are no relevant plan policies, or the policies which are most important for determining the application out of date, granting permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Footnote 7 of the Framework confirms that policies should be considered out of date in such scenarios which involve the provision of housing, and the Council is unable to demonstrate a five year supply of deliverable housing sites, or where the Housing Delivery Test results for the area are substantially below (less than 75%).

### **Housing Land Supply & Housing Delivery Test**

- 7.5 Charnwood Borough Council have confirmed by means of a Five-Year Housing Land Supply update, published on the 9th November 2020, that the Council can only demonstrate a supply of 4.10 years. As such, for the purposes of this application, the presumption in favour of sustainable development applies and paragraph 11 is engaged.
- 7.6 With regards to the Housing Delivery Test, Charnwood satisfied the last published test, November 2019, delivering 3,167 dwellings against a 2,400-dwelling requirement, equivalent to 132%. It is noted however, that this was against the previous lower requirement set out in the Core Strategy the Council will now need to report against the higher Local Housing Need figure set through the Standard Methodology. Moreover, the current shortfall of housing supply indicates without suitable delivery in the short term, delivery issues could manifest in the coming years.

Paragraph 14 offers some protections for areas with made Neighbourhood Plan and advises that a Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits of a scheme if **all** four of the criteria detailed apply. As such it is important to assess whether the provisions of Paragraph 14 apply, these criteria are discussed in turn below.

**a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**

- 7.7 Having passed Referendum in November 2019 and been made on 16<sup>th</sup> January 2020, the Sileby Neighbourhood Plan is less than two years old, as such this criterion is met.

**b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;**

- 7.8 The Neighbourhood Plan sets out its approach to setting an appropriate housing requirement at page 28 of the Neighbourhood Plan. The Neighbourhood Plan Group is reported as deciding that Sileby should deliver a level of development proportionate to the population of Sileby against wider Charnwood. i.e. Sileby equates to 4.72% of the population of Charnwood, and as such should deliver 4.72% of the Housing Requirement.

- 7.9 The Neighbourhood Plan by its own admission has been designed to contribute to a Borough wide housing need of 450 dwellings per annum (12,000 dwellings in Charnwood delivered between 2011 and 2036), with Sileby delivering 4.72% of this need. This target was taken from the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) 2017, broadly the middle point between a OAN range of 8,100 and 15,700 dwellings over the period 2011-2036. Applying the 4.72% ratio, this resulted in a housing requirement of 566 dwellings in Sileby over the period 2011-2036. Completions and commitments however meant that the group considered this target had already been met, and as such no new housing allocations were required.
- 7.10 The housing figure contained within the Neighbourhood Plan **is out of date**, as the Local Housing Need for Charnwood **must** be derived from the Standard Methodology, not HEDNA. It is noted that HEDNA has never been adopted by Strategic Policies in Charnwood, and as such forming the basis of Neighbourhood Plan housing requirement is entirely inappropriate, as it is not for Neighbourhood Plan Groups to set out the level of local housing need, particularly wherein they conflict with nationally prescribed methods and policies.
- 7.11 The Local Housing Need for Charnwood as published by the Government in December 2020, through the revised Standard Methodology, is 1,105 dwellings per annum. Using the Neighbourhood Plan Groups own methodology, this increases the notional housing need for Sileby to 939 dwellings; 4.72% of 19,890 (which is the Standard Method Requirement for Charnwood over the Plan period 2018-36). This represents is a 65% increase from the 566-dwelling housing requirement contained within the Neighbourhood Plan. Even utilising the Neighbourhood Plan's reserve sites, the Neighbourhood Plan still falls significantly below delivering the required housing need, using the Neighbourhood Plans own methodology and the correct, up to date housing figures.
- 7.12 Clearly, on the above basis, the Limits to Development which restrict Sileby to deliver only 566 dwellings (643 if one assumes all reserve sites will deliver), are clearly out of date. This point is validated by the Borough Council's own emerging Local Plan which makes significant additional allocations in the settlement above that prescribed in the Neighbourhood Plan.
- 7.13 This position is further compounded in that dwellings built pre-2019 should not be deducted from future needs. This means that the Neighbourhood Plan is further underdelivering against updated

housing requirements, with a significant shortfall of housing in over the Plan period.

7.14 Moreover, revisions to the Standard Method enacted in December 2020 have led to significantly increased housing requirement for Leicester City. As a result, the level of unmet need in Leicester City has increased significantly, by over 10,000 dwellings, and importantly, is now an issue which needs to be addressed through the emerging Plan period, not just 2030/31 onwards. In this context, it seems highly likely that Charnwood will need to increase the number of homes to be delivered within the Borough in order to help meet the needs of Leicester City both in the short term and throughout the next Plan period. This is likely to place further development requirements to Sileby given its status on the spatial hierarchy and proximity and connectivity to Leicester City.

7.15 In the above context, against the Neighbourhood Plan's own methodology, which has been examined as being appropriate, it is clear that the Neighbourhood Plan does not come close to meeting its identified housing requirement, which is now a **minimum of 939 dwellings** over the period 2019-2036. The distribution of dwellings is a strategic policy, which is beyond the remit of individual Neighbourhood Plans. Moreover, Neighbourhood Plans cannot seek to reduce the level of housing required. This is an issue that has also been accepted by the Council and is demonstrated by the additional proposed allocations made through the emerging Local Plan. Additional housing land is needed up to the period 2036 in Sileby, and the current Neighbourhood Plan housing requirement is insufficient. As such, Paragraph 14 of the NPPF is **not** met, and the application must be considered under the presumption in favour of sustainable development.

**c) the local planning authority has at least a three year supply of deliverable housing sites**

7.16 The Council consider they can demonstrate in excess of three years housing land supply.

**d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.**

7.17 It is acknowledged that the Council have delivered in excess of 45% of the housing required in the previous three years, however concern is raised that with a current shortfall of housing land supply, and an increase in housing requirement, housing delivery may become an issue in future years without sufficient planning approvals in the short term.

7.18 Your attention is drawn to the conclusions of Inspector Jones, in relation to appeal ref: APP/APP/Z1510/W/20/3253661, dated 14th December 2020; a very recent appeal in which this same issue is explored at Paragraphs 38-44. In preparing the Cressing Neighbourhood Plan (February 2020) the group utilised the Objectively Assessment Need figure for the District and “*allocated a proportion of this need to the Parish based on the percentage of the District wide population which live within Cressing Parish*” (Cressing Neighbourhood Plan Page 52). The same methodology adopted by the Neighbourhood Plan group in Sileby.

7.19 In relation to the Appeal, the Inspector states at Paragraph 41;

*“In such circumstances [where a Neighbourhood Plan set a Housing Requirement in the absence of an adopted figure], the PPG says that relevant policies, existing and emerging spatial strategy, and characteristics of the neighbourhood area can be taken into account, **yet it appears that the CNP considered only the requirements of Cressing Parish as a proportion of the whole District’s housing need, without clear regard to the wider needs of the District.** In this context, Appeal Decision APP/Z1510/W/20/3253661 (<https://www.gov.uk/planning-inspectorate>) the PPG refers to the use of the neighbourhood planning toolkit on housing needs assessment, but it appears that that toolkit was not used for the CNP.”*

7.20 The same is applicable at Sileby. The Inspector goes on to state as at Paragraphs 43-44 that:

*“In this context, given that the appeal scheme would bring a range of benefits, most notably the delivery of a substantial amount of market and affordable housing in an area which currently has issues with housing delivery, which together carry considerable weight in its favour, the identified harm and development plan conflict carries modest, comparative weight...*

*.... Consequently, notwithstanding Framework para 14, in the current circumstances the adverse impacts of the appeal development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, it would be sustainable development in the terms of the Framework for which there is a presumption in its favour, such that the site is a suitable location for housing”*

- 7.21 The Appeal was allowed, and permission granted. The Inspector having regard for the circumstances considered that whilst the approach adopted by the Neighbourhood Plan group was acceptable in terms of the Neighbourhood Plan meeting the basic conditions, the Plan in failing to consider the District wide need meant that it did not meet the provisions of Paragraph 14.
- 7.22 In the case of Sileby, the Standard Method results in a significantly higher amount of housing than that planned for within the Neighbourhood Plan. Moreover, as set out above some of the supply used to inform the Plan (built 2017-2018) was pre-Plan period; and, in line with the standard methodology cannot be used to deduct from future needs. The shortfall is therefore at best 239 dwellings, in addition to any supply built between 2017-18.
- 7.23 On the basis of the above, the provisions of Paragraph 14 cannot reasonably apply, and the presumption in favour remains engaged. The recent appeal decision, referred to above, confirms this position. In addition, and as referred to above, additional housing above and beyond the Neighbourhood Plan 'requirement' is a point also accepted by the Borough Council in the emerging Local Plan. To refuse this application on the basis of Paragraph 14 would therefore be entirely inconsistent.

### **Relevant Development Plan Policies**

- 7.24 Whilst there is currently a shortfall of housing land supply, that position can be somewhat fluid, with supply increasing and falling as permission are granted and time passes. As such it remains important to consider whether the presumption in favour is applicable by virtue of policies being out of date. In respect of this proposal, it is considered that the following policies are the most important to its determination.
- 2004 Local Plan Policy ST/2: Limits to Development & Neighbourhood Plan Policy G1: Limits to Development
  - Core Strategy Policy CS1: Development Strategy
  - 2004 Local Plan Policy CT/4: Development in Areas of Local Separation & Policy Core Strategy Policy CS11: Landscape and Countryside

Each are discussed in turn below, having regard both for the status of the policy and the level of compliance.

### Limits to Development

- 7.25 There are currently two 'Limits to Development' Policies (ST/2 and G1) which broadly align. Any conflicts between the two would be determined by primacy, i.e. the policy contained in the most recently adopted/made Development Plan document would take precedent. It is acknowledged however against either policy the site would be deemed outside but adjacent to the limits to development, and as such in conflict with both policies.
- 7.26 In respect of the Local Plan Limits to Development policy (ST/2), this is clearly out of date, in that it restricts and guides development to meet significantly outdated housing requirements derived from the 1994 Leicestershire Structure Plan. In progressing the Local Plan Review it is clear that the Council have acknowledged such limits to development cannot reasonably meet the future development needs of the Borough, with numerous allocations proposed beyond the defined boundaries. As such this policy is considered out of date.
- 7.27 Turning to the Neighbourhood Plan Limits to Development policy (G1), again it is acknowledged by the Borough Council that these boundaries are not appropriate, as three proposed draft Local Plan allocations are located outside of the limited to development. The Neighbourhood Plan's Limits to Development reflect a housing requirement derived from figures within HEDNA and is clearly in conflict with up to date government guidance on assessing Local housing Need through the Standard Methodology. As such, these limits which restrict the supply to significantly below that required are clearly out of date.
- 7.28 Whilst new Limits to Development are proposed in the emerging Local Plan, there remains a significant level of unresolved objection to the Plan and the Plan remains in an early stage of preparation. As such very limited weight can be attributed to the emerging Policy at this stage.

### Development Strategy

- 7.29 Core Strategy Policy CS1 seeks to deliver most development to the main urban areas of Leicester, Loughborough, Shepshed and to the Service Centres designated in the Plan, including Sileby. CS1 states that the Council will *"plan positively for the role of Service Centres (Anstey, Barrow Upon Soar, Mountsorrel, Quorn, Rothley, **Sileby** and Syston). We will do this by; **providing for at least 3,000 new homes and approximately 7 hectares of employment land within and adjoining our Service Centres***

*between 2011 and 2028" [our emphasis].*

- 7.30 The emerging Local Plan reflects Sileby's key role in the provision of new homes, with a number of allocations proposed to assist in meeting increased housing needs arising as a result of the Standard Methodology, and also the extension of the Plan period to 2036.
- 7.31 In this regard, the proposed scheme is considered to accord entirely with the adopted development Plan's spatial role for Sileby and is also consistent with emerging policy in terms of spatial distribution. As such this scheme is considered to accord with Policy CS1 in respect of broad spatial distribution of housing. Clearly the housing numbers contained in Policy CS1 are now out of date, by virtue of being over five years old, and replaced with the higher Local Housing Need figures derived from the Standard Methodology. As such, we do not consider that this application could be reasonably refused on the grounds of conflict with Policy CS1, particularly having regard for the Council's proposed level of growth directed towards Sileby contained within the emerging Local Plan.

#### **Area of Separation**

- 7.32 The site is recognised as an Area of Separation in both the adopted and emerging Local Plan. In terms of Section 38, the key policies are contained in the 2004 Local Plan Policy CT/4 and Core Strategy Policy CS11. Whilst the policies generally align, they do differ, and as such in accordance with Section 38(5) of the Planning and Compulsory Purchase Act, due regard is had to the Core Strategy Policy, as this has been adopted most recently.
- 7.33 Policy CS11 states that the Council "*will protect the predominantly open and undeveloped character of Areas of Local Separation unless new development **clearly maintains the separation between the built-up areas of these settlements***" [our emphasis]. The illustrative masterplan clearly demonstrates that the development of the site will not reduce the distance between Sileby and Cossington. This is because there is already residential development which extends down Cossington Road which is already much closer to the adjacent settlement than the proposed new dwellings. Secondly, the proposed scheme will deliver and maintain in perpetuity a significant area of open space to the south of Sileby. This matter is discussed in greater detail in the LVIA, however, for the purposes of establishing compliance with Policy CS11, there will be a clear separation between the built-up areas of these settlements, and as such this application cannot be reasonably refused on the

grounds of this policy. Moreover, as discussed in the LVIA, there are likely to be benefits to the Area of Separation in that the scheme will enhance the quality and appearance of the settlement edge and will improve the gateway and sense of arrival into the settlement. Whilst the quantity of land between the settlements may be reduced, it does not mean the sense of separation between the two settlements will be lost, nor will it impact on their separate characters and identity.

7.34 It should also be noted that Policy CS11 is intrinsically linked to the supply of housing and relates to now outdated housing needs. As such, whilst we consider the application accords with the Policy, it must be considered as out of date with regards to the determination of this application.

7.35 Emerging Policy LP19 broadly aligns with the existing policies, and as such it is considered that this application does not directly conflict by virtue of the level of retained open space as discussed above. Regardless, for reasons referenced previously this policy can only be afforded limited weight at this stage in the Plan making process.

7.36 On the basis of the above, the scheme broadly aligns with the adopted development plan. The key policies for which this application may be seen to conflict are those relating to Limits to Development. However, as established above these are clearly out of date. As such, the presumption in favour of Sustainable Development should apply as the policies most important to the determination of the application, if it was to be rejected, are out of date. Notwithstanding the above, the proposed scheme does not conflict with the overall spatial distribution of development as set by Policy CS1 of the Core Strategy. Moreover, the scheme does not conflict with the principles of Core Strategy Policy CS11. As such, even if a five-year housing land supply was to be established during the determination of this application, the presumption in favour would still apply.

7.37 In the context of the above, the decision of the Secretary of State, dated 29<sup>th</sup> July 2020, in respect of Appeal Reference: APP/M1005/W/18/3198996 (Land at Amber Hills, Whitehouse Farm, 153 Belper Lane, Hilltop, Belper) in Amber Valley District is of relevance. In coming to his decision, the Secretary of State sets out that even if the Council were able to demonstrate a five-year housing land supply, as the policies most important to the determination of the application were already out-of-date, the presumption in favour of sustainable development is engaged.

## **Sustainable Development & Planning Balance**

- 7.38 Paragraph 11D of the NPPF sets out that where the presumption in favour of sustainable development is engaged, proposals for sustainable development should be granted unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.39 In relation to the first criterion, it is confirmed that the site is not a protected area as listed at Footnote 6 of the Framework. There are no other specific policies within the Framework which would preclude the delivery of the site.
- 7.40 In respect of the second criterion, there are very few adverse impacts which would significantly and demonstrably outweigh the benefits of these proposals. Both the current and emerging Development Plan have recognised Sileby as a location suitable for residential development. The Settlement Audit Summary of the Charnwood Settlement Hierarchy Assessment October 2020, which supports the emerging Local Plan, scores Sileby 11 points, the same score as higher order settlements such as Loughborough and Shepshed. In this respect, it is clear that Sileby is a sustainable location to deliver new development. This point is further emphasised by the number of proposed allocations for the settlement contained in the emerging Local Plan.
- 7.41 Having regard for the site itself, the only potential adverse impacts would be the development of a greenfield site, limited impacts on a locally listed asset (Brook Farm) and the limited loss of designated area of separation. Beyond this, the site does not contain, nor is remotely near to, any statutory environmental or heritage assets as confirmed in the most recent SHELAA. The site is predominantly within Flood Zone 1, and the areas within higher zones to the south of the site have been excluded from the developable area, as illustrated by the submitted masterplan.
- 7.42 Whilst the application scheme would result in the development of a greenfield site, the site is of relatively low environmental value, as demonstrated by the technical evidence documents submitted with this planning application. The delivery of greenfield sites has been accepted by the Council and is demonstrated by the emerging Local Plan which makes significant greenfield allocations, including allocations in Sileby. As such the delivery of a greenfield site of no specific

environmental or landscape value is not considered sufficient to preclude the development.

- 7.43 Brook Farm and the brick barns at the south-west corner of the site are locally listed. Whilst initial proposals had proposed that the open space provided on the site should be open parkland, it was considered the delivery of the open space to appear as pastoral farmland, with an internal field structure would be more sensitive to the setting. As set out by archaeological desk-based assessment, Brook Farm *"is of local value; however, it is shielded by buildings and vegetation and the area closest to it will remain open"*. As such the impacts on this locally listed asset will be limited.
- 7.44 Having regard to the location of the site in an area of separation, consideration must be had to the impacts of the proposed development on such an area. The proposed development locates all proposed new development to the north of the site, which leaves a substantial area of new and publicly accessible open space. The provision of this enhanced open space, which will include both equipped and informal areas will benefit both existing residents in Sileby and Cossington and also new residents. The provision of a LEAP on the site will significantly reduce the distance many existing residents will need to travel to access such a facility, particularly to the south of Sileby.
- 7.45 The proposed development does not reduce the distance between Sileby and Cossington. As set out in the LVIA, there are three character zones which form the Area of Separation between Sileby and Cossington, the open arable setting of the application site, the contained pastoral setting of the land to the west of Cossington Road, and the heavily treed/wooded setting of the local watercourse and Derry's Nurseries. Importantly, the Council's own assessment of this area concludes that the land to the West of Cossington Road is the more sensitive and important part of this open space and that the water course is an acceptable boundary. The LVIA states that a visual baseline has confirmed that views from Cossington towards the site are heavily screened by intervening vegetation cover, and views between the two settlements restricted to the land to the west of Cossington Road and a small section of the south-east settlement edge of Sileby where views exist across the site towards Cossington. These views have informed the masterplan and have been retained by the submitted proposals. As such, the impacts of the proposed development on the Area of Separation will be limited, with the proposals likely to improve the gateway and transition into Sileby. As set out, this proposal aligns with up to date policy in that an area of open space is clearly retained, and as such this development would certainly not constitute adverse impacts which would significantly and demonstrably outweigh the substantial scheme benefits

offered by the proposal, as discussed below.

## **Scheme Benefits**

7.46 The proposed development is in accordance with the NPPF's aim of sustainable growth and significantly boosting the supply of homes. The following clear, Economic, Social and Environmental benefits will be derived from the proposed residential development in Sileby:

### *Economic Benefits*

7.47 The economic benefits of the proposed development would be considerable. The development of around 170 dwellings will make a contribution towards meeting local housing need and demand but will also make a valuable contribution to the local viability and vitality of Sileby as a sustainable and balanced community.

7.48 The development will deliver economic benefits as summarised below:

- **A Boost to the Local Economy** - The construction activities associated with the development will represent an investment in the local area and will create jobs in the short term for the duration of the construction activities. Once occupied, the development will house economically active residents who will contribute towards annual household, retail, leisure and services expenditure in the locality, including supporting local services and facilities, key to a post Covid19 recovery.
- **New Homes Bonus** – The new dwellings will also provide Council Tax receipts to Charnwood Borough Council, along with New Homes Bonus which provides a much-needed source of funding for the Council to spend as it sees fit on the delivery of its services.
- **Buying and Selling New Homes** – There is an economic benefit through the buying and selling of new homes. There are parties involved in all stages of the process which involves financial transactions e.g. sales agents, solicitors, banks. This in itself increases economic activity. In addition, new residents would be purchasing furniture and white goods which assists the local economy.

- **Financial Contributions for Associated Infrastructure** – The development will deliver specific funding towards additional facilities in line with the planning policy and commensurate with the scale of the proposed development and local capacity.
- **Other** – Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of relevance, necessity and reasonableness, consideration will be given to their inclusion.

7.49 These benefits of the proposed development contribute to the economic role of sustainable development defined within the NPPF, contributing to a strong, responsive and competitive economy. These are a further significant benefit to the proposed development.

#### *Social Benefits*

7.50 The social benefits associated with the proposed development are multiple-faceted and include:

- **Location** – The site adjoins the settlement of Sileby which provides a range of services and facilities including a doctors' surgery, dentist, veterinary practice, library, parish hall, convenience foodstores, post office, restaurants and takeaways, public houses.

There are a number of educational facilities within the settlement and in close proximity to the application site, including a nursery and primary schools. The nearest secondary schools can be found in nearby Barrow upon Soar, Syston, Quorn and Birstall.

Sileby also contains a number of parks and areas of public open space, and a Cricket Club.

The nearest bus stops to the site are located on Cossington Road, less than 100m from the development. These bus stops are served by the 3 service which runs between Loughborough and Leicester, which provides access to a variety of employment opportunities and larger retail facilities. The times of service and frequency would reasonably service commuting, and travel for other reasons. Sileby also benefits from a Train Station, which provides ready access to the wider region via the Midland Main Line. This includes services to Leicester, Nottingham and Lincoln.

New residents will support and help sustain local services and facilities, contributing to the creation of sustainable communities. In addition, the location of the proposed development, immediately adjacent to an established residential area, will ensure the creation of an integrated community.

- **Open Space** – A key feature of the proposed development is the creation of a significant area of new public open space within the site; approximately 5.88ha, which is 57.8% of the application site. In addition to meeting the needs arising from the occupiers of the proposed development, the new open space will provide an accessible resource for existing residents in the local area. The open space also provides an area of landscape buffering which will soften the appearance of the development and provide an opportunity for ecological enhancement. The proposed scheme will create an attractive gateway into Sileby, with positive impacts on the transition from Cossington to Sileby.
- **Sustainable Transport** – The site is located within walking distance of facilities within the town, further supporting active lifestyles and encouraging an alternative to the car. The Travel Plan sets out 13 measures to encourage travel by sustainable modes with focus on increasing the use of walking for short trips, cycling for short/medium trips, bus for medium trips and car sharing and powered two wheelers for longer trips. The measures include giving all new households Sustainable Travel Packs which will encourage the use of sustainable modes of travel.
- **Supply of Market Housing** – The proposed development will make a positive contribution to the supply and delivery of market housing. The site is available and deliverable and would make a short-term contribution to meeting the existing shortfall in housing supply, for which significant weight must be had. The development will provide additional housing in one of the most sustainable locations within Charnwood. Whilst the exact mix and type of housing to be provided will be considered in greater detail during subsequent reserved matters applications, it is considered this development will be able to provide a range of dwellings including starter homes and family housing. The delivery of houses in this location will enable the younger generation of Sileby to have the opportunity to remain in their local community with quality sustainable and affordable homes located within a sensitively designed setting.

- Furthermore, given the increase of housing requirement derived from Local Housing Need, it is essential that the Council take a proactive approach to consenting new residential development now to ensure they can demonstrate a robust housing land supply and Delivery Test result in future years. This is further considered to be vital when considering the quantum of unmet need emanating from Leicester City. The spatial location and connectivity of the Sileby to Leicester City makes it a viable location to meet such needs.
- **Delivery of Affordable Housing** – There is a high demand in Charnwood for affordable properties and the waiting list shows that there is an acute housing need. This need will not be met by the current proposed Local Housing Need figures, meaning there will likely be a shortfall in affordable housing for some time. The application site will deliver 30% affordable housing to support local affordable needs, in accordance with local policy. The provision of up to 51 affordable units at the site represents a significant positive benefit of the proposed development for which significant weight should be had.
- **Education** – Whilst it is understood that local primary schools are at capacity, financial contributions will be made as appropriate to accommodate any additional school places generated directly by this scheme, with any future local plan allocations in Sileby and Cossington.

### *Environmental Benefits*

7.51 This planning statement and the supporting technical documents which accompany the application explain how environmental factors have been taken into account to ensure sustainable development. Mitigation has been included within the scheme to ensure conservation and enhancement of key features:

- **High Quality Sustainable Design** – The proposed development represents a high-quality sustainable development that responds positively to its built and natural setting. The development will provide an accommodation and tenure mix to meet the needs of the community.
- **Creation of New Landscape Features and Enhancement of Existing Landscape Features** – The proposed scheme seek to deliver a significant areas of formal and informal publicly

accessible open space, which will benefit both new and existing residents in terms of amenity value, but will also serve to create a clearly defined area of separation between Sibley and Cossington, which will be maintained in perpetuity.

Existing positive landscape features such as boundary planting and the watercourse will be protected and enhanced by the new open space and supporting landscape planting.

The development will secure enhancements that will see the transformation of the existing arable land use to species rich meadows with open water features and increased native tree cover. This in combination with the proposed access and recreation facilities has the potential to secure enhancements in local biodiversity and public amenity value.

- **Flood Risk and Drainage** – A full flood risk assessment has been undertaken demonstrating no increased risk of flooding will arise from the development. A Sustainable Urban Drainage scheme, including an attenuation pond, is proposed as part of the comprehensive drainage strategy for the site. This will serve to safeguard the development, whilst also creating an attractive area for amenity and biodiversity as an integral part of the site's open space strategy.
- **Protection and Enhancement of Existing Biodiversity Habitats** – The layout shown within the Illustrative Masterplan has been informed by the recommendations of the Extended Phase 1 Habitat Survey for the site. This survey sets out that there are no nearby Statutory sites close to the site which could be impacted by the development. Similarly, the nearest Local Wildlife Sites are considered to be sufficiently far from the field to avoid any direct impacts. It is noted by the survey that most existing hedgerows are to be retained, and that there are significant opportunities to create new habitat and net gains as part of the schemes extensive landscaping and open space strategy.
- **Mitigate Climate Change** – The proposed development will seek to mitigate climate change through reducing CO2 emissions by building new homes in a sustainable and accessible location, thus reducing the reliance to travel by private car. In terms of resilience to climate change impacts, the scheme has been designed to take this into account, notably through the provision of a drainage strategy as described above and detailed within the Flood Risk Assessment.

- 7.52 In summary, the benefits of the scheme are significant and include the sustainable delivery of open market and affordable housing in a high-quality development; investment creation, new open space and support for local services and facilities, which should be given significant weight.
- 7.53 Adverse impacts of the scheme are limited, and mitigation measures are proposed to ensure that any impact can be ameliorated. The illustrative masterplan is based on a detailed understanding of the site and its surroundings and is informed by a comprehensive suite of technical assessments and adopted and emerging planning policies, which ensure that the design is robust and deliverable. This is discussed in greater detail below.

### **Expected Delivery Rates**

- 7.54 Subject to this application being determined in reasonable timescales, followed by an expedited reserved matters application, David Wilson Homes consider a start could be made on site in Spring 2022. As the site is already under the control of a housebuilder, there is no need for marketing of the site to prospective builders. David Wilson Homes have also confirmed, having regard for recent work on similar sites, that a build out rate of 40 homes per year is both reasonable and achievable. This would result in the delivery of 160 dwellings in the next five years, a substantial and important consideration given current housing shortfalls, with the site fully built out soon after. This quick delivery would also see the delivery of much needed affordable housing in the short term, another consideration which should be afforded significant weight. Such delivery will assist the Council in satisfying future housing delivery tests and being able to demonstrate a robust five year housing land supply. David Wilson Homes are committed to working with the Council to expedite delivery of the site, to deliver a high-quality housing development and associated public open space.

### **Technical Assessments**

- 7.55 A number of detailed technical assessments, surveys and reports have been commissioned to inform the proposed development, as listed in Section 2 of this Statement. The outputs of these reports, including any required mitigation measures, have been summarised below. For further information on any of these topics, please refer to the full reports directly.

## Landscape and Visual Impact

- 7.56 The Landscape and Visual Impact Assessment (LVIA) has set out a clear and transparent assessment of the baseline resource applicable to the site, and an assessment of the likely landscape and visual effects of the development proposals. The site is located within the Soar Valley accommodating a single arable field adjoining the southern settlement edge of Sileby. The site affords a framework of settlement, a railway line with embankments, highways, and the treed setting of a local watercourse and horticultural nursery site. The site is not covered by any landscape designation that would suggest an increased value or sensitivity to change and is not covered by any statutory or non-statutory designation that would prohibit its development for residential purposes. The landscape baseline assessment has identified the site as being located within the Soar Valley that is considered to be of medium value and in overall terms medium landscape sensitivity.
- 7.57 The LVIA has considered a number of representative views taken from the local highway and public rights of way that broadly correlate with the visual envelope of the site. These views demonstrate that the visual setting of the site is contained to the north and west by settlement, to the south-west by the immediate setting of pasture, to the south by the local setting of woodland and tree cover, and to the east by the local setting of the valley.
- 7.58 The assessment of landscape effects has confirmed that any adverse effects arising from the proposal considered particularly relevant to the planning decision making process are limited to the immediate setting of the site and restricted to the short-term. Wider effects to local character are assessed as a combination of moderate and minor adverse reducing over time as the proposed planting mitigation measures take effect.
- 7.59 The assessment of landscape effects had confirmed that any adverse effects arising from the proposal considered particularly relevant to the planning decision making process are restricted to the highway and properties at the immediate boundaries of the site. This level of effect is not uncommon to most residential development that involves the extension of the existing settlement. Such impacts are considered likely on many of the Council's proposed allocations, including allocations within Sileby.

7.60 The landscape and visual effects arising from this application are not considered to be unexpected or uncommon to the scale and nature of the proposal, and it is considered that the proposal successfully retains the separate character and identifies of Sileby and Cossington in accordance with Policy CS 11 of the Core Strategy.

7.61 The impacts of this development are considered acceptable and commensurate. They certainly would not constitute grounds for refusal of the application.

### **Ecology**

7.62 An Extended Phase 1 Habitat Survey has been submitted with the application. This sets out that the application site comprises a parcel of intensively managed arable land in current agricultural use. To the south of the boundary of the site is a small brook, running through Brook Farm. A review of the available data obtained from the Records Centre confirms there are no Statutory sites within a 1km radius of the area surveyed. There are a four LWS sites within 500m.

7.63 The arable field itself was considered to have low ecological significance in this location. There is no evidence of significant locally rare plants or plant communities within or around the site area. The walkover did not identify any physical evidence or field signs of protect species within the survey area. There is however considered suitable habitat along the site's boundaries, particularly in the south of the site near to the brook and woodland. This area is however to remain free from development and forms part of the site's open space strategy. The survey notes the opportunities to create new habitat in the open areas of the site, which would lead to environmental gains. The survey also sets out a number of measures to mitigate any potential impacts which have been incorporated into design proposals.

### **Arboriculture**

7.64 A Tree Survey has been undertaken which identified 7 individual trees on site, 7 groups of trees and 3 hedgerows. The quality of specimens is outlined below:

- Category A – 2 individual trees
- Category B – 1 individual tree, 1 tree group
- Category C – 4 individual trees, 6 tree groups and 3 hedgerows.

7.65 These categories allow for informed decisions to be made regarding the retention or removal of tree specimens and has influenced the design of the site to ensure the retention of higher quality trees. The Illustrative Masterplan has also had regard to the root protection areas as identified within the Tree Survey Plan. Only a small section of hedgerow needs to be removed to facilitate the access to the site, but this will be more than mitigated by new planting in the site's open spaces.

### **Heritage and Archaeology**

7.66 The submitted Archaeological Desk-Based Assessment confirms that there are no designated heritage assets within the site and the proposed development is unlikely to have an impact on the setting of any designated heritage assets in the wider vicinity. With regards to unlisted assets, the only of note is Brook Farm farmhouse and barns to the south-west of the site. The house itself is shielded from views by vegetation and neglected outbuildings and despite the loss of some agricultural land in the vicinity, the impact on this farmhouse is considered to be low.

7.67 There has been no archaeological work within the vicinity of this area. It is considered that there is **moderate** potential for prehistoric and Roman remains to be located within the assessment area. The site lies outside the medieval cores of Sileby and Cossington, and despite Anglo Saxon and medieval artefacts being recovered from the vicinity, possibly due to manuring and chance finds, there is **Low** potential for archaeology from the Anglo-Saxon, medieval and post-medieval periods.

### **Traffic and Highways**

7.68 A Transport Assessment and Travel Plan has been submitted to support this application. The Transport Assessment has set out that the proposed scheme is sustainably located within 130m of the nearest bus stop and within walking distance of a number of services and facilities including schools, medical facilities and shops. There is a continuous footway from the site to the centre of Sileby. A 5km cycling catchment includes all of Sileby, as well as much of Mountsorrel, Rotheley, Seagrave and Barrow Upon Soar.

7.69 Vehicular access is proposed via a new priority junction on Cossington Road at the location of the existing farm access. As part of the access arrangement, the footway on Cossington Road will be widened outside the site frontage. Vehicle parking provision will be provided in accordance with

the Leicestershire Highway Design Guide.

- 7.70 Transport modelling using the TRICS database demonstrates that the increase in peak hour vehicle trips due to the proposed development would not have a material effect on the operation of the surrounding network. There has also been an assessment of junction capacities, however this has concluded that no mitigation measures are considered necessary.
- 7.71 Based on the findings of the Transport Assessment it is considered that the proposed development is in accordance with relevant planning policy and design guidance and is therefore acceptable in transport terms.
- 7.72 The Travel Plan sets out 13 'Travel Plan Measures' which set out measures which will be undertaken to encourage more sustainable modes of transport, encouraging a modal-shift from the private car in line with adopted policy.

#### **Flood Risk and Drainage**

- 7.73 A Flood Risk Assessment and a Preliminary Drainage Strategy has been prepared and is submitted with this application. The Flood Map for Planning shows that the site is predominantly within Flood Zone 1 (Low Probability) as defined on the EA mapping, land defined as having less than a 1 in 1000 annual probability of river or sea flooding.
- 7.74 Mitigation measures have been included to ensure the schemes long term flood resilience, supported by a comprehensive drainage strategy which demonstrates how the site can be brought forward in a manner which ensures the new dwellings will not flood, whilst not increasing flood risks elsewhere. The drainage strategy has a strong synergy with the landscape strategy, creating both an area for amenity but also new habitat to contribute towards biodiversity gains.

#### **Noise & Vibration**

- 7.75 The submitted Noise and Vibration Assessment demonstrates that no mitigation is required on site in respect of the railway or Cossington Road.
- 7.76 In respect of noise, the report demonstrates that some mitigation may be required on some of the properties closest to the road and railway, to ensure appropriate internal and external noise levels

to ensure an acceptable residential amenity. Such measures are considered easily implementable, such as the siting of dwellings which is already acknowledged within the assessment to be appropriate. Other measures, such as suitable double glazing are also considered easily achievable and will ensure suitable levels of residential amenity. Such measures will be demonstrated and secured at Reserved Matters, wherein specific house types and exact siting are known.

- 7.77 The Assessment concludes as such that there “are no constraints to the principle of development”. Clearly many existing houses will be far closer to both the road and the railway.

### **Design & Access Statement**

- 7.78 The proposed development has been designed to ensure that it will successfully integrate into its surroundings, both in terms of the existing important features of the site and how the development will integrate into the wider area.
- 7.79 The Design and Access Statement demonstrates that the Illustrative Masterplan is founded on a number of key design principles in order to achieve a high quality, sustainable residential development. Whilst only indicative at this stage, it demonstrates how a high-quality, attractive development informed by up to date guidance, policy and good practice can be delivered.
- 7.80 The proposals have adopted a landscape driven approach and will include significant levels of high quality public open space, equating to 72.8% of the site. This will include a new equipped play area with further natural play areas, trim trail, amenity space and an attenuation pond in line with the drainage strategy, embracing the site’s opportunities and constraints to create a positive setting for new family homes.
- 7.81 The scheme has emerged through a thorough process of design development and through a public and stakeholder consultation process. This has been discussed in detail within the Design and Access Statement, which accompanies the planning application.

## 08 Conclusion

- 8.1 This Planning Statement has been prepared in support of an outline planning application for a residential development on land off Cossington Road, Sileby. In light of the Council's recently published five year housing land supply, and having regard to the out of date policies contained in the adopted development plan, the presumption in favour of sustainable development is engaged, and this application should be approved.
- 8.2 Sileby is acknowledged to be a one of the Council's most sustainable settlements, as demonstrated by the Settlement Hierarchy Report. Thus, it is suitable and capable settlement of accommodating additional sustainable development. This is demonstrated by the emerging Local Plan, which makes significant allocations within the settlement. The Cossington Road site is in a sustainable location, on a key route in the village, in close proximity to a range of services and facilities and access to a regular bus route.
- 8.3 The proposed development will deliver a highly sustainable residential development with positive social, economic and environmental benefits, whilst also assisting the Council in boosting the supply of housing and the delivery of housing in future years. This must be afforded significant weight, given the current lack of housing land supply and shortfall of affordable housing. By approving the development proposals at Cossington Road, this will contribute towards sustaining and increasing the vitality and viability of the local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy.
- 8.4 As expanded on in Section 6 above, the scheme will deliver a number of benefits for the future and existing local community, which will include:
- Construction of additional housing to significantly boost Charnwood Council's supply of both market and affordable housing, including a mixture of dwelling types and sizes, ranging from bungalows, flats, terraced units, semi-detached and detached family properties across 1, 2, 3 and 4 bedrooms;
  - New public open space, including parkland, a LEAP and trim trail for both existing and future residents.

- The protection and enhancement of existing landscape and biodiversity habitats; and
- A boost to the local economy through employment and training opportunities during construction, increased spend from local residents in the local economy following completion, together with the delivery of New Homes Bonus.

8.5 The Borough Council recognises that the housing policies in the development plan are out of date by virtue of a lack of five-year housing land supply. Moreover, as set out in this report, the policies most important for determining this application are also out of date. The application should therefore be determined in accordance with Paragraph 11(d) of the Framework and planning permission granted. As demonstrated in this statement, the provisions of Paragraph 14 are not applicable in this case. This Statement and the technical reports submitted with this application confirm that the adverse impacts of granting planning permission for the proposed development will not significantly and demonstrably outweigh the significant benefits which will be delivered as a result of the new housing proposed. The proposals are therefore considered to constitute sustainable development and should be approved without delay in accordance with paragraph 11 of the NPPF, subject to the imposition of appropriate conditions and a S106 obligation.