

Sileby Parish Council

Initial Response to Planning Application Ref P/21/0491/2:

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

At Land East of Cossington Road Sileby Leicestershire.

Introduction

We have provided below an initial assessment of this planning application for Sileby Parish Council's consideration (SPC). The planning application has been submitted to Charnwood Borough Council (CBC) as an outline planning application with all matters reserved apart from the means of access to the application site. Our assessment has therefore focussed mainly on the acceptability (or otherwise) of the principle of the development proposed on this site having regard to the policies of the development plan, other local and national policies guiding development such as the National Planning Policy Framework (NPPF) and current Planning Practice Guidance (PPG) as well as other material considerations.

An illustrative masterplan has been submitted with the application although in answer to question 4 on the application form, it is stated that the applicant is not seeking approval for appearance, landscaping, layout or scale of development. It therefore appears that the applicant is not seeking approval for the disposition of housing, open space or other infrastructure (including surface water attenuation basin) within the site or the detailed layout of the proposed housing element. The comments that follow are based on this although the Parish Council reserve the right to provide additional comments should the applicant provide further information or clarification.

We have based our assessment amongst other things, on the information publicly available on the Council's website at April 20th, 2021 whilst taking into account the provisions of Section 70(2) of the Town and Country Planning Act 1990. This requires that when dealing with an application for planning permission, local planning authorities must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 also provides that if regard is to be had to the

development plan for the purpose of any determination, the determination must be made in accordance with it unless material considerations indicate otherwise.

1.0 The Proposal

- 1.1. The planning application is for a “major” development and seeks outline planning permission for the erection of up to 170 dwellings (including affordable housing), with access to be taken from a new estate road junction onto Cossington Road. The illustrative masterplan (Drawing Ref GL1400-13) suggests that approximately 50% of the site (the northern portion adjoining the rear of existing properties on Chalfont Drive, Molyneux Drive and Charles Street) would be developed with up to 170 dwellings at a density of 35 dwellings/ha with the remaining area providing a mix of landscaped open space, a Locally Equipped Area for Play (LEAP) with footpath and cycleway access. An attenuation pond for surface water drainage is suggested towards the front of the site, to the southern side of the proposed access road. Copies of the application documents are available to view on Charnwood Borough Council’s website.
- 1.2. As mentioned above, whilst the illustrative masterplan (Drawing Ref GL1400-13) shows a possible scheme for the development of the site, the application only seeks permission for the principle of development and the design of the access. All other detailed design matters have been reserved for approval at a later date should this outline application be approved.
- 1.3. The application is accompanied by a suite of supporting documents including a flood risk assessment, a landscape and visual impact assessment, an archaeological survey and a traffic assessment. These can be viewed on the council's website and amongst other things, have been taken into account.

2.0 The Main Issue(s)

- 2.1 The main issue(s) raised by this application are :
 - Whether the proposal is in accordance with the relevant policies of the development plan national and local policy, having particular regard to the settlement strategy of the development plan and the proposal’s effect on the separation between Sileby and Cossington and its effect on the character of the area.
- 2.2 Other matters raised by the application include:
 - The proposal’s effect on flooding and flood risk.
 - The proposal’s impact on highway safety and the road network.
 - The provision of associated infrastructure and affordable housing (S106 matters).

3.0 The Development Plan

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (National Planning Policy Framework (NPPF), para 47). In respect of the application site the development plan consists of:
- Sileby Neighbourhood Plan (made January, 2020 following Independent Examination and Referendum) (SNP)
 - The Charnwood Local Plan 2011 to 2028 Core Strategy (adopted 2015) (CS)
 - The “saved” policies from the Borough of Charnwood Local Plan (2004) (LP)
- 3.2 Although the older “saved” LP policies are based on an out of date strategy, they remain a part of the development plan and may be accorded appropriate weight where justified. Charnwood Borough Council published a draft Charnwood Local Plan (dCLP) for the period 2019-36 for consultation between 4th November 2019 and 16th December 2019. The dCLP sets out policies and proposals to meet the development needs of Charnwood for the period up to 2036. A further consultation on the dCLP is anticipated in 2021 following consideration of the comments received during the consultation although this has not happened at the time of writing.

The Sileby Neighbourhood Plan (SNP)

- 3.3 SNP Policy G1 (Limits to Development) states that development proposals within the settlement boundary where the proposal complies with the policies elsewhere within the SNP but that land outside the defined Limits to Development, will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies. A range of appropriate types of development in the countryside are identified but the list does not include large-scale residential development such as that currently proposed.
- 3.4 Development Limits were defined in the 2004 Charnwood Local Plan and the policy to be applied to development proposals within these limits was set out in Policy ST/2 which has been saved. The Limits to Development were also identified in the

CS when it was adopted in 2015. It was anticipated that the Limits to Development would be redefined in a Site Allocations Development Plan Document, but this was not prepared and has now been overtaken by work on the emerging dCLP. It should be noted that the identified Limits to Development Line in the vicinity of the application site has been consistent and follows the line of the rear gardens of properties on Chalfont Drive, Molyneux Drive and Charles Street in the LP, the CS, the SNP and the emerging dCLP.

- 3.5 The SNP therefore provides the most up-to-date identification of the Limits to Development which was confirmed following independent examination by the Secretary of State. In finding that SNP Policy G1 meets the basic conditions, the Independent Examiner commented:

“Limits to Development are a widely used planning tool to provide clear guidance to developers and decision makers on where development should take place. It is evident in Sileby that there has been substantial development in recent years reflecting its role as a Service Centre. It is entirely appropriate for the scale of this development to be taken into account in determining how much more development will be required over the plan period. It is clear that the requirements of the adopted Core Strategy have been taken into account in determining the Limits to Development and consideration has been given, in consultation with the local planning authority, to the possible scale of further development that may be required. I am therefore satisfied that the extent of the Limits to Development is in general conformity with the development plan and is consistent with national policy and guidance.”

[Source: para 74 Sileby Neighbourhood Plan 2018-2036, The Report by the Independent Examiner (September, 2019)]

- 3.6 The application site lies outside the Limits to Development in this part of Sileby as identified in the SNP (as well as identified in the LP, the CS and the dCLP). The site therefore lies within the countryside where there is strict control over new development in line with local and national strategic planning policies and the proposals are not for one of the types of development considered to be appropriate in the countryside. The proposals are therefore contrary to SNP Policy G1.
- 3.7 SNP Policy G2 (Design) is an overarching policy to be applied to all residential and commercial development. It contains design requirements for new development which are intended to ensure that development enhances the character of the area in which it is situated and contributes to several specific elements of sustainable development. In particular, SNP Policy G2(a) requires new development to enhance and reinforce the local distinctiveness and the character of the area in which it is situated. SNP Policy G2(a) also states that 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.

- 3.8 The application site comprises a large, single field amounting to approximately 10ha. The site is an open and undeveloped parcel of arable farmland with an essentially rural character on the edge of Sileby. When travelling along Cossington Road, the site forms a gap between the built-up areas of Sileby and Cossington. The site is contained by the existing settlement edge formed by housing to the north, Cossington Road to the west, the Midland Mainline Railway (MMRR) to the east and Brook Farm, Derry's Nurseries and a watercourse to the south. The site rises gently upwards from Cossington Road to the MMRR.
- 3.9 This is an outline planning application with detailed design and layout reserved for future approval should this application be approved. Nonetheless, even at this outline stage, given the nature of the site and its wider context, together with the overall scale and type of development proposed it is possible to come to a broad assessment as to its likely effect on local distinctiveness and the character of the area in which the development is situated. The site is not identified as being of any special landscape quality although it is recognised as performing a role as an Area of Local Separation between Sileby and Cossington within the adopted CS and the emerging dCLP. The site's openness and the absence of any built development or intensive human activity is part of its distinctive character and appearance in the street scene when viewed from Cossington Road approaching either Sileby or Cossington.
- 3.10 It is inevitable that new housing development will have some impact on the character and appearance of an area. However, in this particular case, (and notwithstanding that this is an outline planning application supported only by an illustrative Masterplan), this large scale housing development of up to 170 dwellings would be located partly on a rising landform where it would be clearly visible in immediate views from Cossington Road and in filtered views from nearby adjoining streets. Together with the associated access road and drainage infrastructure the development would have a significant adverse effect on the open, undeveloped character of this arable field when compared to the present base-line. No firm details are provided of the height and siting of buildings other than the illustrative layout. The provision of an area of open space would help to screen and thereby mitigate the visual impact of the housing development to some extent. However, the inclusion of a gravelled cycleway, the LEAP, Trim Trail fitness station and public access arrangements would introduce further activity on that part of the site identified on the illustrative masterplan which, together with the residential component will result in the loss of the site's existing open and undeveloped agricultural character.
- 3.11 Overall therefore, based on the information presently available, it has not been demonstrated that a residential development of this scale can be accommodated successfully on this site such that it would comply with SNP Policy G2. The

proposal would not enhance and reinforce the local distinctiveness and character of the area in which it is situated. Rather, it would have a significant adverse effect on the street scene, and the character of the countryside – contrary to SNP Policy G2. Whether this harm would be clearly outweighed by the wider benefits of the proposal is addressed later in our assessment.

- 3.12 Between them SNP Policies H1 (Housing Reserve Sites) and H2 (Windfall Sites) provide some scope for the provision of additional housing throughout the Neighbourhood Plan area up to 2036. In considering these policies, the Neighbourhood Plan Independent Examiner considered the wider context of the overall scale of housing needed in the area and so far as the amount of new housing was concerned, the Independent Examiner commented –

“In this instance, it has not been possible to define a firm requirement, but it is clear that the Plan provides for substantially more development than is required by the adopted development plan and for all but the highest end of the range of strategic options being considered for the emerging plan. The identification of several reserve sites in Policy H1 provides some flexibility in addition to this.” [Source: para 98 Sileby Neighbourhood Plan 2018-2036, The Report by the Independent Examiner (September, 2019)]

and

“At this stage I am satisfied that the amount of housing being planned for exceeds that required in the adopted development plan and that it takes account of the information available on estimated housing need up to 2036. CBC has not provided an indicative figure for the scale of development required but has discussed the possible range of development in detail with the NPAC and has not suggested that the scale of development envisaged is unduly restrictive.” [Source: para 100 Sileby Neighbourhood Plan 2018-2036, The Report by the Independent Examiner (September, 2019)]

- 3.13 SNP Policy H1 identifies a number of “reserve sites” which can be considered for development if there is a shortfall of housing because the permitted housing sites in Sileby fail to deliver the anticipated level of development or if further development is required by the emerging dCLP which will replace the CS. Between them, the identified sites in the “made” SNP can provide a further 77 dwellings. The reserve sites were selected as a result of a detailed appraisal of more than 20 alternatives within and around the village. This exercise included an appraisal of the current application site (referred to as Site 6 – “Cossington Infill”) which concluded with an overall Red/Amber/Green score of Red (a score of minus 8). Whilst accepting that the methodology for the appraisal of sites took into account the scale of development being considered and that there was no immediate need for new allocations or large green field sites, the Independent Examiner concluded that he

was satisfied that the methodology used in the appraisal of sites was appropriate for the selection of relatively small sites in a neighbourhood plan and that it had been carried out thoroughly and consistently. The Examiner also acknowledged that criteria which favoured large scale development outside the Limits to Development would clearly not be in general conformity with the development plan and therefore would not meet the basic conditions. SNP Policy H2 supports residential developments on infill and redevelopment sites within the settlement boundary where they meet defined criteria. There is no limit to the size of infill or redevelopment sites that might be supported under SNP Policy H2 provided they meet other criteria in the policy and other development plan policies. Together with other policies, this provides further scope for flexibility in bringing forward additional sites which will better meet policy aims for the scale, location, and design of new housing development set out in the SNP, the CS and the emerging dCLP.

- 3.14 SNP Policy H3 (Housing Mix) seeks to ensure that the mix of new houses meets the needs of the community and SNP Policy H4 (Affordable Housing) requires at least 30% of all new housing developments of 10 units or more to be affordable housing to meet identified needs within the community. The proposals have been submitted in outline form at the moment and there is no commitment to the final mix of housing proposed at this stage. The applicant has indicated an intention to provide 51 units for affordable housing out of a total of 170 units equating to 30% provision (see answer to question 15 on planning application forms). Should Charnwood Borough Council be minded to approve the application then it will be responsible for securing the provision of this affordable housing through a S106 Agreement although no draft was published on the Council's website at the time of writing.

The Charnwood Local Plan Core Strategy (CS)

- 3.15 CS Policy CS1 (Development Strategy) sets out the development strategy for the Borough. It states that the priority location for growth will be the Leicester Principal Urban Area with the majority of remaining growth at Loughborough and Shepshed. Sileby is one of seven settlements identified as "Service Centres", at the next level down in the settlement hierarchy. CS Policy CS1 sets out that the Borough will plan positively for the role of Service Centres, including by providing for at least 3,000 new homes within or adjoining these settlements, by safeguarding services and facilities and by responding positively to sustainable development which contributes towards meeting the development needs of the Borough. The supporting text to CS Policy CS1 notes that, at the time, there were already commitments for around 3,460 homes in Service Centre settlements and that this was sufficient to meet the levels of planned provision. As such, the supporting text to CS Policy CS1 notes that the

Council only expects to see small scale windfall developments within settlement boundaries between 2014-2028.

- 3.16 CS Policy CS2 (High Quality Design) requires developments to make a positive contribution to Charnwood, reinforcing sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and should protect the amenity of people who live or work nearby.
- 3.17 CS Policy CS3 (Strategic Housing Needs) seeks to ensure an appropriate housing mix for the Borough and sets targets for the provision of affordable housing to meet need.
- 3.18 CS Policy CS11 (Landscape and Countryside) seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain the separate identities of settlements. More specifically, CS Policy CS11 also seeks to protect the predominantly open and undeveloped character of Areas of Local Separation (AoLS) unless new development clearly maintains the separation between the built-up areas of those settlements. The CS defines an Area of Local Separation as: *“An area of open countryside that separates two neighbouring settlements, whose main purpose is preserving settlement identity, and which is based on landscape character and visual appearance of the area”*. AoLS are typically designated on small areas of countryside which prevent the coalescence of settlements, maintaining their unique character and identity. To help maintain the strategic settlement pattern. The application site is located within the identified AoLS between Sibleby and Cossington under CS Policy CS11. With the exception of the buildings at Brook Farm and Derry’s Nursery, the application site occupies the entire AoLS identified on the eastern side of Cossington Road (AoLS ref d. at supporting paragraph 7.14 in the CS).
- 3.19 CS Policy CS16 (Sustainable Construction and Energy) supports sustainable design and construction techniques and amongst other things seeks to direct development to locations at the lowest risk of flooding whilst supporting developments which take opportunities to reduce flood risk elsewhere and requiring developments to provide mitigation measures to reduce the effects of flood water where necessary. CS Policy CS16 also requires developments to manage surface water run off with no net increase in the rate of surface water run off for greenfield sites.
- 3.20 CS Policy CS17 (Sustainable Travel) seeks to increase sustainable travel patterns and ensure major development is aligned with this. CS Policy CS 18 (The Local and Strategic Road Network) seeks to maximise the efficiency of the road network by delivering sustainable travel.

- 3.21 CS Policy CS24 (Delivering Infrastructure) is concerned with ensuring development is served by essential infrastructure. Amongst other things, CS Policy CS24 seeks to ensure that the direct, local impacts of developments on existing infrastructure and the community will be reasonably managed and mitigated. In helping to achieve this, it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area as well as ensuring that development contributes to the reasonable costs of on site, and off site, infrastructure, arising from development through the use of Section 106 and Section 278 Agreements.
- 3.22 CS Policy CS25 (Presumption in favour of sustainable development) confirms that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan “saved” Policies (LP)

- 3.23 The following “saved” policies of the LP remain part of the development plan and are considered to be relevant in relation to this proposal.
- 3.24 LP Policy ST/2 (Limits to Development) sets out Limits to Development for settlements within Charnwood and requires built development to be confined to allocated sites and other land within development limits save for certain exceptions which do not include development of the type now proposed. LP Policy ST/2 seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to Development distinguish between areas of development and development potential, and areas of restraint. The application site is located outside the Limits to Development identified in the LP.
- 3.25 LP Policy CT/1 (General Principles for Areas of Countryside, Green Wedge and Local Separation). This policy defines a narrow range of types of development that are acceptable in principle on land lying outside the defined Limits to Development and confirms that within these areas of generally open land development will be strictly controlled. The proposal does not fall within any of these criteria and so would be contrary to this policy.
- 3.26 LP Policy CT/2 (Development in the Countryside) sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area. It relates to development acceptable in principle as defined by saved LP Policy ST/2 which is not the case here.

- 3.27 Policy EV/1 (Design) seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features.

Emerging Draft Charnwood Local Plan (dCLP)

- 3.28 The dCLP was published for consultation at the end of 2019. A further consultation prior to submission for Examination to the Secretary of State is expected shortly and when adopted, the new CLP will become part of the development plan for the area and will replace the CS and the “saved” policies of the LP.
- 3.29 So far as this outline planning application at Cossington Road is concerned, it should be noted that within the dCLP:
- Draft Policy LP1 sets out an overall spatial strategy for Charnwood of urban concentration and intensification; seeking to protect the most environmentally sensitive areas, whilst supporting sustainable development within defined Limits to Development and in the allocations defined elsewhere in the dCLP. So far as housing is concerned, Draft Policy LP1 makes provision for at least 19,716 new homes between 2019 and 2036 with some 2,490 new homes being directed towards the Service Centres of Anstey, Barrow upon Soar, Mountsorrel, Quorn, Rothley and Sileby. So far as the environment is concerned, development is to be directed to those locations of the least environmental or amenity value and to locations within the Borough at the lowest risk of flooding. Amongst other things, the Policies Map identifies Areas of Local Separation which are identified as an integral part of the spatial strategy that has been identified to deliver growth in the context of the objective to conserve and protect the character of towns and villages and the intrinsic character and beauty of the countryside. Draft Policy LP1 states that development that does not accord with Draft Policy LP19 (Landscape, Countryside, Green Wedges and Areas of Local Separation) will not be in accordance with the spatial strategy. In order to implement the spatial strategy, Draft Policy LP1 states that development which does not accord with the pattern of development in the spatial strategy will not be supported, even where there is a proven shortfall in the supply of homes.
 - Draft Policy LP1 goes on to state that proposals that are not allocated but accord with the vision, pattern of development and other requirements of Draft Policy LP1 are likely to be approved where a five year supply of homes cannot be demonstrated but that in all other circumstances, new built development is to be confined to sites allocated in the dCLP and

neighbourhood plans, and other land within the Limits to Development subject to specific exceptions.

- The application site lies within an Area of Local Separation identified in Draft Policy LP19 (Landscape, Countryside, Green Wedges and Areas of Local Separation) where development is to be carefully managed by amongst other things, maintaining the separate identities of towns and villages by protecting 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 those settlements.
- Other Draft Policies seek to ensure high quality design in new development and set out detailed design and layout criteria, including housing mix; the provision of affordable housing and open space; space standards; the conservation and enhancement of the natural environment and sustainable construction methods.
- Draft Policy LP3 allocates sites for new housing and identifies 6 sites at Sibleby, amounting to a total provision of some 309 houses - including a proposed allocation of circa 228 houses on a greenfield site off Barnards Drive (Site Ref HS64).
- Draft Policy LP31 seeks to direct development to areas with the lowest risk of flooding (Flood Zone 1) and requires major development to be accompanied by a Flood Risk Assessment which considers the cumulative impacts of proposals in areas susceptible to flooding. Draft Policy LP31 also requires development on greenfield sites to cause no net increase in the rate of surface water run off and requires the design of flood risk mitigation measures to be in keeping with the environment and incorporate sustainable drainage systems with Draft Policy LP32 requiring sustainable drainage systems (SuDS) as part of development proposals.
- Draft Policy LP33 requires new major development to provide walking, cycling and public transport access to key facilities and services, enhanced bus services and for new homes to have a dedicated car parking space with means to recharge electric vehicles. Draft Policy LP33 also requires all major proposals to have robust transport assessments and travel plans.

3.30 Although the dCLP has been published for consultation the pre-submission version of the plan is yet to be published and the plan has not been submitted to the Secretary of State for Examination. There remain outstanding objections to the Draft Policies of the dCLP and they can only be considered to have limited weight at this time.

Other Policy & Guidance

3.31 Other relevant advice and guidance in respect of this application is provided in the following documents:

- The National Planning Policy Framework (2019) (NPPF)
- Leicestershire Housing and Economic Development Needs Assessment (HEDNA) - 2017
- ARUP Green Wedges and Local Areas of Separation Study (2016)

4.0 Assessment

Whether the proposal is in accordance with the relevant policies of the development plan national and local policy, having particular regard to the settlement strategy of the development plan and the proposal' s effect on the separation between Sileby and Cossington and its effect on the character of the area.

4.1 CS Policy CS1 sets out the development strategy for the Borough with the priority location for growth being the Leicester Principal Urban Area with the majority of remaining growth at Loughborough and Shepshed. Sileby is one of the Service Centres identified within CS Policy CS1. The supporting text to CS Policy CS1 notes that at the time the CS was prepared, there were commitments for around 3,500 homes in such settlements and that this was sufficient to meet the levels of planned provision. In dismissing an appeal for up to 228 dwellings at Barnards Drive in Sileby in September 2019 (Ref APP/X2410/W/19/3220699) the Inspector noted that some 1006 dwellings had been committed at Sileby alone and that such a level of commitment in respect of just one of the Service Centres seemed to be overly disproportionate. There have been further permissions for up to an additional 57 dwellings since then (P/19/0447/2, P/19/0218/2 & P/19/2162/2) and to provide up to a further 170 dwellings adjoining Sileby would add materially to the already excessive level of housing commitments in Sileby. As such, although the proposed housing would adjoin Sileby, it would be contrary to the development strategy for the Borough as envisaged by CS Policy CS1.

4.2 Paragraph 73 of the NPPF sets out that Local planning authorities should identify an annual supply of housing sites sufficient to provide a minimum of 5 years' worth of housing against the housing requirement set out in adopted policies, or against their local housing need calculated on the basis of the standard methodology where the strategic policies are more than 5 years old.

- 4.3 In this case, as of 9th November, 2020 the strategic policies of the CS are more than 5 years old and at the time of writing, Charnwood Borough Council's five-year land supply position based on an annual housing requirement of 1,105 dwellings in accordance with the standard methodology is understood to be 4.1 years.
- 4.4 In situations involving planning applications for the provision of housing where a local planning authority cannot demonstrate a 5 year supply of housing sites the housing supply policies of its local plan are considered to be "out-of-date". As a result, the 'tilted balance' as set out in paragraph 11 of the NPPF applies where permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. Nonetheless, although the housing policies of the CS might be considered to be out-of-date, in the case of Sileby there is an up-to-date Neighbourhood Plan in place which has only recently been "made" following independent Examination. In such circumstances, paragraph 12 of the NPPF makes clear that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.” [emphasis added]

- 4.5 Furthermore, the NPPF goes on to recognise in paragraph 14 that where the presumption in paragraph 11(d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits provided the following four criteria apply -
- a) the neighbourhood plan became part of the development plan 2 years or less before the decision date;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a 3 year supply of deliverable housing sites; and

- d) the local planning authority's housing delivery was at least 45% of that required over the previous 3 years.

4.6 Taking each of these criteria in turn in the circumstances of Sileby:

- a. The Sileby Neighbourhood Plan was made on January 16th, 2020, so became part of the development plan less than two years ago;
- b. The Sileby Neighbourhood Plan contains a suite of policies and proposals to meet its housing requirements. The Plan does this through allocating a number of reserve housing sites which can be brought forward where there is a shortfall in housing supply or where additional housing is required to accord with a new development plan. This approach is consistent with the advice contained within national planning practice guidance which includes advice that neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed¹. The Examining Inspector was also satisfied that the SNP provides for a level of housing that exceeds that required in the adopted development plan and that it takes account of the information available on estimated housing need up to 2036.
- c. Charnwood Borough Council's identification of a 4.1 year housing land supply position indicates that there is significantly more than 3 years supply of deliverable housing land supply in the Borough; and
- d. The Government's Housing Delivery Test result for Charnwood demonstrate that 135% of the housing requirement has been provided in the Borough over the previous three years² which is significantly more than the 75% trigger-level identified in the NPPF.

4.7 All 4 criteria identified at paragraph 14 of the NPPF are satisfied and for the reasons set out elsewhere in this report, the proposed development is clearly contrary to several policies in the development plan (including the SNP) which seek to resist development on sites outside Limits to Development and in Areas of Local Separation. Whilst detailed design and layout matters are yet to be determined, the scale of development proposed would have a harmful impact on the character and appearance of the streetscene and the open, undeveloped rural character of the area as well as being in conflict with the overall development strategy for the distribution of housing in the Borough. Although the development would provide some benefits in terms of making a contribution to housing supply and the provision of affordable

¹ See National Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509

² See Housing Delivery Test: 2020 measurement <https://www.gov.uk/government/publications/housing-delivery-test-2020-measurement>

housing, including economic and employment benefits during the construction period, nonetheless, the proposal is in conflict with policies in the recently made NP such that even if it were held that the paragraph 11(d) presumption applies in this instance, nonetheless, the adverse impact of allowing this development will significantly and demonstrably outweigh the benefits

4.8 It should also be acknowledged that NPPF 11(d) only triggers a presumption in favour of sustainable development whereas in this case it is considered that this particular proposal does not amount to sustainable development for the following reasons

- the proposal would result in the loss of an Area of Local Separation leading to the coalescence of Sileby and Cossington. The proposal would not protect landscape character nor reinforce sense of place and local distinctiveness or tranquillity. It would not clearly maintain the separation between the built-up areas of the two settlements but would result in the erosion of the separate identities of the two settlements.
- The proposal is contrary to the development strategy for the area as set out in CS Policy CS1 and would result in further, disproportionate housing development in addition to that which has already been committed to Sileby.
- The proposal has failed to demonstrate that there would not be an increase in flood risk arising from the development and the design of the proposed surface water drainage proposals appear to require additional input. This is considered to be particularly important as there are understood to be localised foul and surface water mains drainage problems in the pressurised system in vicinity of the site and at receiving treatment works. These problems are likely to be exacerbated in the absence of the provision of adequate infrastructure. At the time of writing the Lead Local Flood Authority has identified surface water flood risks and has requested the submission of additional information regarding surface water sewer capacity before it can provide a substantive response.
- It has not yet been demonstrated that the development can be sustainably and safely accessed having regard to the impact of traffic generation from the development on the local road network. At the time of writing the Highway Authority has requested that the application is not determined until further assessment has been carried out to determine highways and access impacts.
- Notwithstanding the illustrative plans submitted with the application, the proposal would have a harmful impact on the character and appearance of the area and in particular on the undeveloped character of this open gap of farmland between Sileby and Cossington.

4.9 The provision of up to 170 dwellings of which some 30% would be affordable would make a useful contribution to housing supply within the borough and would support the governments objectives to significantly boost the supply of homes whilst

acknowledging that there is presently less than 5 years identified housing land supply. Considerable weight should be attached to this aspect of the development. The proposal would also generate employment and other economic benefits during the construction phase and will inject additional household spending in the local economy which also attracts substantial weight. The provision of new public open space will benefit occupiers of the development as well as nearby residents. Enhancements to the ecological value of the site and financial contributions to the improvement of infrastructure and other facilities arising from the needs of occupiers of the development will also have some wider community benefits and other benefits will include financial contributions for improving education facilities, providing travel packs and other matters. However, these attract less weight as they are principally intended to assist with mitigating the effects of the development itself and it is to be noted that at the time of writing there is no supporting planning obligation addressing these matters.

Conclusions

- 4.10 Having regard to the above and the outline nature of the planning application, the most relevant policies are those which address the broad principles raised by the application. In this respect, the proposal is clearly contrary to Sileby Neighbourhood Plan Policies G1 (Limits to Development) and G2 (Design) as well as Core Strategy Policies CS1 and CS11 so far as the broad principle of housing development in this location and its intrusion into the Area of Local Separation are concerned. The proposal is also contrary to “saved” Local Plan Policies ST/2 (Limits to Development) and CT/1 (Areas of Local Separation). There are also unresolved concerns regarding flood risk, drainage and access/traffic generation but at this stage there is insufficient information to determine whether these matters can be resolved in accordance with policy requirements or not.
- 4.11 The policies of the Sileby Neighbourhood Plan are not out of date and should be afforded full weight. The proposal is contrary to the policies of the SNP as well as those other development plan policies identified above. Between them, the “basket” of policies is not out of date. Whilst there would be some significant benefits should the application be approved, nonetheless, these are principally related to the provision of housing and it is to be noted that there has been significant provision at Sileby throughout the plan period already with a further proposed draft allocation in the emerging dCLP for a major housing development on an alternative site that is not within an Area of Local Separation. Whilst that draft allocation will be the subject of examination through the development plan process, to approve the current application for up to 170 dwellings as currently proposed would be at odds with and would undermine public confidence in the plan led system – particularly given the long-standing protection given to this land as an Area of Local Separation providing

a policy function that is well-known and understood by residents in both Sileby and Cossington as a means of maintaining their separate identities. The NPPF recognises that the planning system should be genuinely plan led and whilst there are sometimes occasions when decisions are made that are not in accordance with planning policies in this instance, there are no considerations that outweigh the conflict with the development plan and the adopted development strategy for the area. Overall, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits and there is no reason to determine the application other than in accordance with the policies of the development plan in this instance.

- 4.12 For the reasons set out above we consider that the application should be refused on the basis that –

The proposed development is located outside Limits to Development and within the countryside where new housing is strictly controlled in order to reflect the Borough Council's overall spatial development strategy. It would also cause substantive and significant harm to the Area of Local Separation between Sileby and Cossington. Due to the scale and location of the development it would not ensure that the predominantly open and undeveloped character of the area is retained and it would reduce the already narrow gap between Sileby and Cossington. The proposal is contrary to Policies G1 and G2 of the Sileby Neighbourhood Plan as well as Policies CS1 and CS11 of the Borough of Charnwood Core Strategy and "saved" policies ST/2 and CT/1 of the Borough of Charnwood Local Plan and the aims and objectives of the NPPF. No material considerations have been advanced by the applicant to warrant setting aside the provisions of the Development Plan and the identified harm from the development clearly outweighs any benefits arising from the proposal.