

## Officer Delegation Recommendation Report

Application Reference Number P/21/0491/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	03/09/2021
<b>Applicant:</b>	David Wilson Homes		
<b>Proposal:</b>	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.		
<b>Location:</b>	Land East of Cossington Road Sileby Leicestershire		
<b>Parish:</b>	Cossington, Sileby	<b>Ward:</b>	Sileby, Wreake Villages
<b>Case Officer:</b>	Denise Knipe	<b>Tel No:</b>	07736 539 834

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### Description of the Application Site

The application site is located on the eastern boundary of Cossington Lane and relates to an agricultural field of some 10 hectares. The site is within land designated as an area of separation between the villages of Sileby and Cossington (Borough of Charnwood Local Plan adopted 2004 and Core Strategy 2011-2028).

The arable field is bound by the built form of Sileby to the north and ribbon development fronting Cossington Lane to the west, the railway embankment to the east, and Brook Farm (Locally Listed Building), Derry's Garden Nursery and an ordinary water course along the eastern boundary. The application site is devoid of any built structures and is an open arable field that affords views out to the wider countryside beyond the railway.

The application site rises upwards from Cossington Road to the northeast corner and falls north to south towards the ordinary watercourse. The majority of the site is located within the Environment Agency's Flood Zone 1 (low risk of fluvial flooding) with a portion of the site in Flood Zone 2 (medium risk of fluvial flooding) and Flood Zone 3 (high risk of fluvial flooding). The majority of the site is at low risk of surface water flooding with a small portion at a medium to high risk of surface water flooding on the western boundary of the site along the ordinary watercourse.

The character of this part of the village of Sileby consists of a mix of single storey and two storey dwellings or varying ages and styles. The properties fronting Chalfont Drive are predominantly single storey and present their rear aspects facing over the application site with boundary treatments containing managed hedgerows. Along the roadside frontage of Cossington Road is a ribbon development comprising of terraced properties and bungalows. Brook Farm farmhouse is a designated Locally Listed Building due to its age and sits adjacent the south west corner off Cossington Road.

## **Description of the Proposal**

The application seeks outline planning permission for a residential development of up to 170 dwellings (51 no. Affordable Houses) with all matters reserved, other than access off Cossington Road. An indicative layout plan has been provided to demonstrate how the site could be laid out and provide large open landscaped area which would be maintained as informal public open space and an equipped area of play.

The site is approximately 10.17ha and proposes to be split into 4.29ha residential area and 5.88ha public open space. This would provide a density of 40dph.

Access would be taken from the existing access off Cossington Road with modifications to the footpath to provide a 2 metre wide pavement. Areas of Sustainable Drainage Systems would be provided within the open space.

The application has been supported by the following plans and technical reports:

- Illustrative Master Plan
- B024412/35/18/003: Proposed Site Access Junction, Revision A.
- Transport Statement
- Travel Plan
- Flood Risk Assessment
- Preliminary Drainage Strategy
- Arboricultural Assessment
- Archaeological Desk-Based Assessment
- Agricultural Land Quality Survey
- Extended Phase 1 Habitat Survey
- Landscape and Visual Impact Assessment
- Noise and Vibration Assessment
- Planning Statement
- Design and Access Statement
- Statement of Community Involvement

## **Development Plan Policies**

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2011-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009). The Sileby Neighbourhood Plan also forms part of the development Plan and is relevant to this application.

The Core Strategy was adopted on 9th November 2015 and set out the overarching aims and objectives for development in the Borough. This included provision for 13,940 dwellings over the plan period, equivalent to 820 dwellings per annum (dpa). As of 9th November 2020, the Core Strategy became more than 5 years old. As required by the National Planning Policy Framework paragraph 74, where Local Plans are more than 5 years old local housing need is to be assessed based on the standard methodology set out in national planning guidance. The standard

methodology requires delivery of 1,111 dpa. On that basis, and as of March 2021, the Council has a 3.34 year housing land supply. The implications of the housing supply position on the planning balance to be applied to this planning decision along with the weight to be given to policies is set out under the consideration of the planning towards the end of this report.

Development Plan policies relevant to the determination of this planning application are set out below.

### Charnwood Local Plan Core Strategy (adopted 9 November 2015)

*Policy CS1 – Development Strategy* – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Sileby as a “Service Centre” a settlement that has access to a good range of services or facilities compared to other settlements.

*Policy CS2 – High Quality Design* – requires developments to make a positive contribution to Charnwood, reinforcing a 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 protect the amenity of people who live or work nearby.

*Policy CS3 Strategic Housing Needs* - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need. For Sileby it is expected that 30% of Affordable Housing will be provided on site.

*Policy CS 11 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 separate identities of settlements. The Policy advises that it is intended to 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.

*Policy CS13 Biodiversity and Geodiversity* - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

*Policy CS14 Heritage* - seeks to conserve and enhance heritage assets and their settings.

*Policy CS15 Open Space, Sports and Recreational* - outlines that new developments must meet the open space standards set out in the Open Spaces Strategy, having regard for local provision and viability.

*Policy CS16 Sustainable Construction and Energy* - supports sustainable design and construction techniques.

Policy CS17 *Sustainable Travel* – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 *The Local and Strategic Road Network* – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

*Policy CS 24 Delivering Infrastructure* – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

*Policy CS25 Presumption in favour of sustainable development* - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

#### Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

*Policy ST/2 Limits to Development* – this policy sets out limits to development for settlements within Charnwood.

*Policy CT/1 General Principles for areas of countryside, Green Wedge and Local Separation* - This policy defines which types of development are acceptable in principle within areas of countryside and seeks to prevent significant adverse environmental impact.

*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.

*Policy CT4/2 - Development in Areas of Separation* - sets out the policy context for the Areas of Local Separation identified on the policies map (in this case Sileby/Cossington). 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.

*Policy EV/1 Design* - This 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. Developments should meet the needs of all groups and create safe places for people.

*Policy TR/18 Parking in New Development* - This seeks to set the maximum standards by which development should provide for off street car parking.

## The Sileby Neighbourhood Plan (2018-2036)

It was declared on Friday 16<sup>th</sup> January 2020 that the Sileby Neighbourhood Plan was successfully approved by majority at referendum and therefore now forms part of the development plan for Charnwood. The Policies considered to be of relevance to the proposal are:

*Policy G1: Limits to Development* - 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.

*Policy G2: Design* - sets out criteria for new development to ensure it enhances and reinforces local distinctiveness, character of the area and be sympathetic to any neighbouring properties and the surrounding area. Development which would have 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 through measures such as integral bird boxes and bat roosting or breeding sites and providing permeable hedges or fences.

*Policy H2: Windfall Development* - Residential development on infill and redevelopment sites within the settlement boundary will be supported where the development

a) Comprises a restricted gap in the continuity of existing frontage buildings or on other

sites within the built-up area of Sileby or where the site is closely surrounded by existing buildings:

b) Respects the shape and form of Sileby in order to maintain its distinctive character and enhance it where possible;

c) Retains existing important natural boundaries such as trees, hedges and streams;

d) Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the existing and future occupiers of the dwelling (s); and

e) Does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with Charnwood Borough Council Planning Guidance.

*Policy H3: Housing Mix* - proposals should seek to create sustainable, inclusive and mixed communities by providing a mix of house types and sizes that reflect local need. Developers are encouraged to construct to building regulations 2015 M4(2) and M4(3).

*Policy H4: Affordable Housing* – requires that at least 30% of homes on sites of 10 or more units should be affordable. The affordable housing should be made available as an integral part of the development, equivalent to the open market housing and be dispersed throughout the site as individual units, subject to a registered provider being prepared to deliver the units if applicable.

*Policy ENV6: Biodiversity, Hedges and Habitat Connectivity* – expects development proposals to safeguard locally significant habitats and species and to create new habitats for wildlife.

### **Other material considerations**

#### The Charnwood Local Plan: Pre-submission Draft (July 2021)

The local planning authority is in the process of preparing a new local plan for the borough for the period up to 2037. The new local plan will include strategic and detailed policies and was approved by Council on 21 June 2021 for consultation and then submission to the Secretary of State for an Examination in Public. The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six-week pre-submission consultation period that ran from Monday July 12 until Monday August 23, 2021. This document sets out the Council's draft strategic and detailed policies for the period 2019-37. This document carries very limited weight at the current time.

The Pre-submission Draft Local Plan allocated sites for development to meet the strategic aims of the Borough. This includes the allocation of residential development sites based on an assessment including housing need, availability of services and facilities, landscape impact and deliverability. Six sites have been identified within Sileby totalling to 345 dwellings, and one site at the neighbouring settlement of Cossington with an allocation of 124 dwellings (planning application pending determination ref: P/20/2393/2), is also identified as location for an extension to Cossington Primary School to meet the educational needs of new developments in Sileby and Cossington.

The allocation of sites in the Local Plan represents the culmination of testing through evidence and sustainability appraisal. The provision of education where it is within acceptable walking distance of new development has been a very significant factor in the development of the strategy outlined in the emerging Local Plan. The application site has not been identified as a proposed allocation in the emerging Local Plan and the granting of planning permission has the potential to undermine the development strategy and planned infrastructure provision identified. As noted above, the emerging Local Plan carries very limited weight at the current time.

Under the provisions of the Draft Local Plan the Application Site is not allocated and remains as a designated Area of Local Separation within the draft Local Plan (Policy EV3).

#### The National Planning Policy Framework (NPPF 2021)

The NPPF sets out the government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in

favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy of particular relevance to this proposal includes:

*Section 5: Delivering a sufficient supply of homes* - The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 74). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

*Section 8: Promoting healthy and safe communities* - Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

*Section 9: Promoting Sustainable Transport* - All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

*Section 12: Requiring well-designed places* - The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

*Section 14: Meeting the challenge of climate change, flooding and coastal change* - New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

*Section 16: Conserving and enhancing the historic environment* - Paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

### National Design Guide

This document sets out the Government's design guidance to support the NPPF and seeks to inspire higher standards of design quality in all new development.

### Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

### Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

### Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.



## Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

## Leicestershire Highways Design Guide (2018)

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

## Landscape Character Assessment

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

## Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation ARUP (Main report March 2016 and Addendum May 2019)

The report was commissioned by Charnwood Borough Council to review the locations and boundaries of Green Wedges and Areas of Local Separation in the borough. The report noted that - Area of Local Separation D "provides the gap between Sileby and Cossington, preventing further ribbon development along Cossington Road and ensuring that the integrity of the gap is maintained.

This addendum report was commissioned by Charnwood to review and to respond to the representations received in response to consultation on the Green Wedges and Areas of Local Separation report with the aim of assisting their consideration of making or amending designations in the emerging Local Plan. In relation to ALS-D ARUP found that 'ALS-D provides the gap between Sileby and Cossington, preventing further ribbon development along Cossington Road and ensuring that the integrity of the gap is maintained. Arup do not recommend any alterations to the area of separation following their updated assessment.

### Charnwood Landscape Capacity and Sensitivity Assessment Addendum prepared by LUC February 2021

The report was commissioned by Charnwood Borough Council to assess housing sites that has been promoted to the Council through the Local Plan process and which were promoted 2019 to 2020. The report assessed the land covered by the planning application and found that it had overall low medium sensitivity and the site plays a significant role in retaining the sense of separation between Sileby and Cossington directly to the south. It is important to note that the report presented findings on the overall landscape sensitivity of site and was not stand alone assessment of the effect on the Area of Local Separation.

### The Charnwood Site Landscape Sensitivity Assessment July 2021

The report has been prepared by officers at Charnwood Borough Council and was produced over the period 2019 to 2021. This report presents a landscape sensitivity assessment of a number of sites considered for development as part of the preparation of the Charnwood Local Plan 2021–2037. The purpose of the assessment is to consider the landscape sensitivity of sites, and ways that significant adverse impacts can be mitigated. The recommended mitigation measures have informed the Pre-Submission Draft Charnwood Local Plan.

The sites that have been considered in this report were submitted to the Council for consideration for development as part of the regularly reviewed Strategic Housing and Employment land Availability Assessment (SHELAA). The application site referenced as PSH474 Cossington Road, Sileby and an assessment of the development proposal has been undertaken and concludes that development of this site would have a substantial and critical effect on the purpose of the Area of Local Separation. It is not considered that the erosion of the Area of Local Separation can be mitigated satisfactorily.

### The Community Infrastructure Levy Regulations 2010 (CIL) (as amended)

The Regulations set out the process and procedure relating to infrastructure requirements. Regulation 122 states that it must relate in scale and kind to the development. Regulation 123 precludes repeat requests for funding of the same items (pooling). The Community Infrastructure Levy (CIL) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests: 1. necessary to make the development acceptable in planning terms; 2. directly related to the development; and 3. fairly and reasonably related in scale and kind to the development

### Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

The T&CP Listed Building and Conservation Areas Act 1990

Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard shall be had for preserving and enhancing listed buildings and their settings. Section 72 requires that special attention shall be had for preserving or enhancing the character and/or appearance of the conservation area.

Relevant Planning History

None

**Consultation Responses**

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

<b>Consultee</b>	<b>Responses</b>
Leicestershire Lead Local Flood Authority - LCC	No objection subject to conditions securing the proposed mitigation measures which involves running a new adoptable surface water sewer down Cossington Road alongside the existing surface water network and with connection into the existing Seven Trent Water outfall. Severn Trent Water Authority have confirmed in an email to the Applicant that the proposed new surface water sewer diversion is acceptable in principle.
Housing Strategy & Support CBC	Seeks 30% affordable housing on the site at an appropriate mix. The Sileby Neighbourhood Plan requires the following tenure split, of the 51 Affordable Dwellings 66% (33) should be for rent and 34% (18) shared ownership.
Landscape - CBC	Objects. The proposal would have a substantial effect on the purpose of the ALS-D and result in settlement coalescence notwithstanding the submitted illustrative masterplan indicating compartmentalised public space to the southern portion of the site. The site is the last significant area of open rural landscape between the two settlements and is as already stated characterised by an open expansive arable field. The proposal therefore is in conflict with policy CS11 which seeks to protect the landscape character of countryside as well as maintain separate identities of settlements.

Consultee	Responses
	<p>The proposals do not protect the existing landscape character that is typical for the character area of the Soar floodplain. The landform of the site as it rises to the east makes it prominent and particularly sensitive to change. The proposal would significantly alter the open rural characteristic and replace it with built form. This would have significant effect on landscape character and visual quality as well as the setting of the Charnwood Forest as viewed from the east.</p>
Conservation - CBC	<p>No objections to the submitted Ecology Assessments. The development does not present any significant concerns about protected species.</p>
Open Spaces - CBC	<p>Does not raise any objections to the application and sets out the open space requirements to be provided on site and seeks the ongoing management and maintenance of any on site open space also requires agreement prior to commencement of development to ensure proposals are sustainable and publicly accessible in perpetuity.</p> <p>In addition to the onsite open space requirements, contributions towards offsite leisure and sport is required where need is not met on site in accordance with policy CS15.</p> <ul style="list-style-type: none"> <li>• Outdoor Sport - £55,992 to be used to implement recommendations of the Charnwood PPS 2018</li> <li>• Allotments - £19,197 for the creation of additional plots within Sileby.</li> <li>• Indoor sport - 4.12 sq m pool space at a cost of £77,211), 0.11 indoor courts (at a cost of £74,605 and 0.03 Indoor Bowls Rinks (at a cost of £11,016).</li> </ul>
Environment Agency	<p>No objection subject to conditions to secure a scheme to ensure the development is flood resilient.</p>
Leicestershire County Council, (LCC) - Highways	<p>The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Conditions are recommended and financial contributions requested towards Travel Packs, six month bus passes and Travel Plan monitoring.</p>
LCC Education	<p>The Local Authority is working with Charnwood Borough Council as part of the Charnwood Local Plan (CLP) consultation to mitigate the impact of proposed development in the locality and has identified a need for a 0.5 FE school extension in Cossington. Therefore, it is essential that Section 106 contributions from developments in the vicinity have sufficient flexibility to contribute towards an overall strategic approach for delivering pupil places in the area.</p>

Consultee	Responses
	<p data-bbox="560 271 799 304"><u>Primary Schools</u></p> <p data-bbox="560 342 1375 524">The site falls within the catchment area of Sileby Redlands Community Primary School. The School has a net capacity of 420 and 445 pupils are projected on the roll should this development proceed; a <b>deficit of 25 pupil places</b>.</p> <p data-bbox="560 562 1375 707">There are 2 other primary schools within a two mile walking distance of the development. Cossington Church of England Primary School <b>Surplus 4</b> and Highgate Community Primary School <b>Deficit 120 pupil places</b>.</p> <p data-bbox="560 745 1375 927">There are no s106 agreements in place in this area the <b>51</b> pupil places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 51 pupil places in the primary sector is justified. Amounting to <b>£744,192.00</b></p> <p data-bbox="560 965 823 999"><u>Secondary School</u></p> <p data-bbox="560 1037 1375 1406">The site falls within the catchment area of Humphrey Perkins School. The School has a net capacity of 900 and 904 pupils are projected on the roll should this development proceed; a deficit of 4 pupil places. A total of 33 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be deducted. This reduces the total deficit for this school and creates a surplus of 29 pupil places. As a standalone application no contributions would be sought.</p> <p data-bbox="560 1444 1375 1883">NOTE: There are five residential applications awaiting determination. Should all these developments proceed, a deficit of 120 pupil places will arise. A total of 44 pupil places is included in the forecast for this school from S106 agreements for other developments in this area and has to be deducted. The overall deficit including all schools within a three-mile walking distance of the development would be 76 pupil places. The 29 pupil places generated by this development could not, therefore, be accommodated at nearby schools and a claim for an education contribution of <b>29 pupil places</b> in the secondary sector will be justified.</p> <p data-bbox="560 1921 791 1955"><u>Special Schools</u></p> <p data-bbox="560 1993 1375 2027">The number of pupils on roll in Leicestershire Special</p>

Consultee	Responses
	<p>schools has risen from 482 in 2002 to 1019 in 2015. The special school population will continue to grow as a result of the increasing birth rate and the growth in new housing. Currently 1.21% of the primary age population and 2% of the secondary age population are educated in Special Schools. All Special Schools in Leicestershire are full, and have a deficit of available spaces, and are forecast to remain so. In some instances the special schools are having to use their own teaching staff to teach pupils in available space in mainstream schools. Pupils are therefore missing out on the facilities, equipment and environment a Special School establishment is able to provide.</p> <p>This development of 170 houses with two or more bedrooms generates 0.62 primary and 0.68 secondary SEN pupils. There are five Area Special Schools in Leicestershire. The closest school to this development is the Ashmount School in Loughborough. The school currently has capacity for 192 pupils and 208 pupils are projected on roll should this development proceed, a deficit of 16 pupil places. A total of 17 pupil places are being funded at this school from S106 agreements for other developments in this area This reduces the deficit at this school and creates a surplus of 1 pupil place. As a stand alone application no contributions would be sought.</p> <p>NOTE: There are seven residential applications awaiting determination. Should these developments be approved prior to this application, the surplus place at Ashmount School Primary School will be allocated and a deficit of 5 pupils created. Therefore, the outline application for Land East Cossington Road, Sileby, may generate a full claim for 1.3 pupil places.</p>
LCC Developer Contributions	<p>makes requests for the following contributions:</p> <ul style="list-style-type: none"> <li>- £8,784.00 towards improving capacity at Mountsorrel Household Waste and Recycling Centre</li> <li>- £5,130 towards improving user capacity at Sileby public Library</li> </ul>
Sileby Parish Council	<p>Objects for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal is contrary to the Sileby Neighbourhood Plan, particular Policy G1 as the site is outside of the Limits of Development and Core Strategy Policy CS1.</li> </ul>

Consultee	Responses
	<ul style="list-style-type: none"> <li>• The proposal would not enhance and reinforce the local distinctiveness and character of the area in which is situated. Rather, it would have a significant adverse effect on the street scene, and the character of the countryside – contrary to Policy G2.</li> <li>• The housing needs for Sileby have been met and no further development is required. The Neighbourhood Plan is a material consideration and is not out of date and attracts full weight.</li> <li>• The NP allocates Reserved sites for provision of housing should it be required. This is site is not allocated.</li> <li>• The proposal is contrary to Charnwood’s Development Plan Policies and is located within a designated Area of Separation.</li> <li>• To approve would be undermine 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 maintain their separate identifies.</li> <li>• The benefits (contribution to housing inc affordable housing, local economy, public open space, biodiversity enhancements and financial contributions) are not considered to outweigh the substantial and significant harm to the Area of Local Separation between Sileby and Cossington. (most of the benefits are required to mitigate the impact of 170 dwellings and carry less weight).</li> </ul>
Cossington Parish Council	<p>Objects on grounds:</p> <ul style="list-style-type: none"> <li>• Increase in traffic on already congested roads in the village</li> <li>• Additional flood risk – area is already under investigation following floods in 2019</li> <li>• Development of this scale would spoil the character of the village</li> <li>• The Primary school in the village cannot currently accommodate the children in the village.</li> <li>• There are no doctors in the village and nearby surgeries are at full capacity</li> </ul> <p>If s106 are to be considered provision would require securing for: Traffic calming and bypass to roundabout at Charnwood Edge, flood alleviation, new School, fencing around any development, Community Centre, Doctors surgery, Post Office and store, Dentist, Police station, train station, nursery facilities.</p>
CPRE Charnwood	Objects. Threatens the individual identities of the two

Consultee	Responses
	settlements and fails to satisfy policy CS11. Sileby has massively exceeded its share of housing provision as a Service Centre within the Local Plan. CPRE considers that this is NOT a sustainable development and fails to satisfy the provisions of the NPPF in this regard due to travel distances to access employment, secondary schools, hospitals and local services are at capacity. The Natural England ALC grade maps show that the land is at least Grade 2. A detailed land quality assessment should be provided.
Network Rail	No objection to the principle of development subject to conditions to safeguard against harm to the network rail asset.
Ward Councillor Paling	Requested that the application be determined by the Plans Committee for the following reasons: <ul style="list-style-type: none"> <li>• Significant harm to the area of separation between Sileby and Cossington.</li> <li>• Building in the opening countryside.</li> <li>• Traffic issues related to extra vehicles using junctions that are already overcapacity in Sileby.</li> <li>• Overbearing impact from this proposed development.</li> <li>• Impact on the local infrastructures in Sileby, ie Schools and local Doctors surgery's.</li> </ul>
Ward Councillor Murphy	Requested that the application be determined by the Plans Committee for the following reasons: <ul style="list-style-type: none"> <li>• Impact on local infrastructures in Sileby( Schools and local Doctors).</li> <li>• Building in open countryside.</li> <li>• Traffic issues with overcapacity poor junctions in Sileby.</li> <li>• Overbearing impact from proposed development.</li> <li>• Significant loss to the area of separation between Sileby and Cossington</li> </ul>
NHS CCG	Seeks a financial contribution of <b>£125,197.25</b> to support the expansion of Highgate Medical Centre and Banks Surgery.
Natural England	Confirmed that it has no comment to make and advised to refer to Standard Advise.
Leicestershire Police	Do not object to the development in principle but makes suggestions relating to detailed design.

### Other Comments Received

146 objection letters from 124 households have been received from interested third parties/residents. The list below summarises the areas of concern that have been



raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

- Housing development would result in loss of greenfield land
- Site is within area of local separation and would result in coalescence of Sileby and Cossington
- The loss of area of local separation
- Increased traffic and insufficient highway capacity
- Increased highway movements and insufficient highway capacity
- Noise and air pollution from increase in cars
- Insufficient parking provision provided
- Highway safety – Access is dangerous close to the bend
- Lack of need for additional housing
- Impact on and loss of wildlife
- Incapacity of existing facilities and infrastructure
- Increased flood risk
- Contrary to the Sileby Neighbourhood Plan and Local Plan Policy
- The site is not identified in new local plan
- Impact on character of the area
- Increased flood risk
- Loss of village character
- Impact on local services
- Inadequate shopping facilities to serve more residents
- Housing target exceeded
- Loss of privacy
- Loss of farmland and agricultural capacity
- Loss of view
- Too close to the Railway – dangerous
- No employment opportunities near by

#### Jane Hunt MP

Seeks for the application to be rejected as the application is contrary to the Charnwood Local Plan and the Sileby Neighbourhood Plan. It will cause significant extra pressure to the local road network and parking facilities in Sileby, especially at times when there is flooding locally. Substantial harm to the area of separation between Sileby and Cossington which cannot be mitigated.

#### Edward Argar MP

Seeks for the application to be rejected due to detrimental impact upon the community. It is considered that the proposal would have significant impact upon the Area of Separation which would negatively impact upon the settlement of Cossington. Additional traffic would impact upon the narrow streets of Cossington where parking on pavements is an issue, and impact air quality. It is commented that Cossington village school is already at capacity and due to site constraints could not

be expanded. Meeting housing need is acknowledged but where there are harms identified he states that proposals can be rejected.

#### Councillor Poland (Wreake Villages Ward)

Objects. Substantial and irreversible damage will be caused to the area of separation between Cossington and Sileby. Increase in traffic will cause more pressure on rural roads/villages. Cossington Primary School is currently at full capacity and cannot take any more children without expansion which would add further highway related issues.

#### **Consideration of the Planning Issues**

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Minerals and Waste local plans, the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004), which have not been superseded by the Core Strategy and the made Sileby Neighbourhood Plan.

Policies CS1 and CS11 of the Core Strategy and policies ST/2 and CT/1 of the Borough of Charnwood Local Plan and Policy G1 of the Sileby Neighbourhood Plan are considered the most important for making a decision on this planning application because they relate to the supply of housing and also the consideration of effects upon Areas of Local Separation and landscape more generally.

Due to the lack of 5 year supply, the government objective to significantly boost the supply of housing, and the relationship policies CS1, ST/2 and G1 have to supply of housing, these policies are considered to be out of date. CS11 and CT/1 are considered up to date as they are broadly consistent with national planning policy and do not have such a direct relationship with the supply of housing.

An overall assessment about the most important policies for determining this planning application is that they are out of date, and so for decision making on this planning application this means planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is the “tilted balance” that is identified in National Planning Policy Framework paragraph 11.

In determining the planning application it is considered that the policies listed below are relevant. The weight to be given to each policy as part of the tilted balance is set out in the consideration of the planning application section towards the end of this report.

In situations where paragraph 11d of the presumption applies, consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the

Authority having more than three years supply of deliverable housing sites and good housing delivery. The Neighbourhood Plan for Sileby was made on the 16 January 2020, and as such its policies carry full weight, unless they relate to housing supply. As there are no unreserved housing allocations within the neighbourhood plan to meet an identified housing need, any conflict with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh the identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

The main issues are considered to be:

- The principle of the proposed development;
- Landscape & Visual Impact
- Design and Amenity
- Transport and Highway Impact
- Ecology and Biodiversity
- Flood Risk and Drainage
- Infrastructure
- Other matters

### **Principle of the proposed development**

The vision for the Borough as set out in the Charnwood Local Plan 2011-2028 Core Strategy (2015) sets at that by the end of the plan period Charnwood will be one of the most desirable places to live, work and visit in the East Midlands. To achieve this development will have been managed to improve the economy, quality of life and the environment.

One of the strategic objectives within the Core Strategy is to protect the historic environment and identity of the Borough's locally distinctive towns, villages and neighbourhoods.

Policy CS1 represents the strategic vision of the borough and is an expression of a sustainable growth pattern. It takes the form of a hierarchical, sequential approach guiding development first to the northern edge of Leicester, then to Loughborough and Shepshed before directing development to the smaller villages. In doing so it provides for at least 3,000 new homes within or adjoining Service centres such as Sileby. The Local Planning Authority can currently demonstrate 3.34 years housing land supply and the Core Strategy is more than five years old. Accordingly, policy CS1 carries only moderate weight.

In the period between the base date of 2011 and the latest full monitoring period of 31st March 2021, 4,460 homes have been completed or committed within Service Centre Settlements; 45% more homes than provided for in the Core Strategy for Service Centres. This represents a disproportionate level of growth within this tier of the hierarchy and additional development would further undermine the spatial strategy and strategic vision of the borough as set out in Policy CS1. Moreover, of the 4460 homes already committed, 1,060 of these are at Sileby alone (23% of allocation). On the basis that there are seven Service Centres within the Borough,

such a level of commitment in respect of just one of these settlements is considered to be disproportionate. To provide a further 170 homes adjoining Sileby would add to the already excessive level of housing commitments in Service Centres, when compared with levels the Core Strategy plans for, and to the disproportionate level of housing provision within Sileby. This conflict with CS1 weighs against the application however it must be noted that due to the current shortfall in the 5 year supply the benefit arising from the delivery of housing, including affordable housing, attracts significant weight in the planning balance.

The supporting text to Policy CS1 states that only a small amount of housing and employment development is necessary in the Service Centres to maintain their facilities and services. There are a sufficient number of planned developments in Service Centres and between 2014 and 2028 it is therefore expected only to see small scale windfall developments within the settlement boundaries. Notwithstanding this, it is acknowledged that some development on greenfield land may be appropriate if there is a recognised housing need and insufficient capacity within built up areas to meet that need. The Local Planning Authority cannot currently demonstrate 5 years supply of housing land and as such it must be recognised that there is a local and Borough wide need for housing.

The application site is outside the limits to development of Sileby and within countryside and more importantly an area that has a long standing policy designation as an Area of Local Separation to prevent coalescence with Cossington. Saved policy ST/2 of the Borough of Charnwood Local Plan (2004) and Policy G1 of Sileby Neighbourhood Plan seek to restrict development outside of the defined boundary limits to development and within the countryside. Given that Policy ST/2 and Sileby Neighbourhood Plan Policy G1 restricts housing growth the policies are considered to attract moderate weight.

Policy CS11 is important in considering the proposal as it seeks to protect the character of the Borough's landscape and countryside by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness by taking account of local Landscape Character Assessment. Furthermore, it seeks to protect the predominantly open and undeveloped character of Areas of Local Separation (ALS) unless new development clearly maintains the separation between the built-up areas of these settlements. Saved policy CT/4 also seeks to protect local areas of separation and would only permit development where location, scale and design of development would ensure that:

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

These policies are broadly consistent with national planning policy, do not have such a direct relationship with supply of housing and so are considered to attract significant weight.

Saved Policy CT/2 of the Borough of Charnwood Local Plan also seeks to protect areas of countryside from development whereby it would harm the character and appearance of the countryside. Only where development accords with CT/1 is policy

CT/2 engaged. As the development proposed is in conflict with CT/1 it is therefore unacceptable in principle and Policy CT/2 is not engaged.

When considering the application as a whole, the application is considered to be in conflict with Local Plan Core Strategy (2011/2028), policies CS1 and CS11, 'saved' policies ST/2, CT/1 and CT4/2 of Local Plan 2004 and policy G1 of Sileby Neighbourhood Plan by virtue of the proposed housing development being located outside of the defined settlement limits and within an Area of Local Separation designation (ALS-D), which is a longstanding policy designation to prevent the coalescence of Sileby and Cossington. The harm associated with this conflict is considered in the planning balance below.

## **Visual and Landscape Impact**

### Area of Local Separation

The application site relates to an arable field that has a policy designation as an Area of Local Separation (ALS-D) performing a function of preventing coalescence of Sileby and Cossington. This designation is historic and has been a feature of successive Development Plans in Charnwood for over 25 years. Nevertheless, the landscape character of the site has been assessed in a number of documents to inform the preparation of the new Local Plan.

In terms of the Core Strategy, saved policies of the Local Plan and the emerging neighbourhood plan this site is outside of the settlement limits of Sileby and within a designated area of separation (ALS-D) where Core Strategy CS11, saved Local Plan policies CT/1, CT/4 and Sileby Neighbourhood Plan policy G1 apply. These policies set out that development will be restricted except in the circumstances that the scale and design of the development would ensure that the predominantly open and undeveloped character of the area is protected and maintained.

A review of the Area of Local Separation<sup>1</sup> has been undertaken to establish if the Area of Local Separation still has a function in preventing the merging of Sileby and Cossington, maintaining physical separation, whilst taking into account the contribution of the landscape character to the visual context and perceived gap.

The Application Site is considered to have a 'moderate' strength in performing as an Area of Local Separation which acknowledges that it clearly has a function in separating Sileby and Cossington and acknowledges that development pressure may compromise the gap leading to a merging of the settlements.

The purpose of the Charnwood Landscape Capacity and Sensitivity Assessment Addendum (February 2021) was to build upon the results obtained in the 2019 'Landscape Sensitivity Assessment of SHLAA Sites' which uses a criteria selection based on the attributes of the landscape most likely to be affected by development and considers both 'landscape' and 'visual' aspects of sensitivity. The overall rating of a site is based on professional judgement. The report was not a review of the

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<sup>1</sup> Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones and Areas of Local Separation (ARUP March 2016)

purpose or function of the Area of Local Separations but acknowledges that “*the site plays a significant role in retaining the sense of separation between Sileby and Cossington directly to the south*”.

The settlement edges for both Sileby and Cossington are physically very close yet there remains a clear sense of separation provided by the Area of Local Separation. The site is an open expansive arable field of medium scale bounded to the north by the settlement edge of Sileby, to the east by the Midland Mainline railway and west by Cossington Road and to the south by the Brook Farm farmstead, a very rural built form. The proposed housing development of up to 170 dwellings would be placed on the entire northern portion of the Area of Local Separation and would extend the built form of Sileby further into the countryside, narrowing the gap between the two settlements. The remainder of the site would be left over as public open space.

As viewed and experienced from Sileby, the site is seen and experienced as rural and in agricultural use. The Brook Farm Farmstead and tree cover effectively screens off views of Cossington for various points along Cossington Road and as seen through the hedge line at Molyneux Drive, Sileby. The fields to the west of the road confirm the rural characteristic of the area. The site is the last significant area of open rural landscape between the two settlements and development of the site would be contrary to the aims and objectives of Policy CS11 in maintain the separate identities of Sileby and Cossington. The Policy allows some concession for development within the Area of Local Separation but requires new development to clearly maintain the separation between the built-up areas of settlements.

Whilst an indicative layout has been provided the scale of development proposed is considered to have a substantial effect on the purpose of the Area of Local Separation and results in coalescence of the two settlements. Whilst the built form would be contained to the northern portion of the site the remainder of the field would be used as public open space changing the character of the site from open arable field to residential and public open space of a different character, and results in the loss of the gap between the two settlements. The transition between the two settlements would be blurred and would not be read as a clear separation.

Strong objections have been received on grounds that the application would encroach into an area of local separation between Sileby and Cossington causing a merging of the settlements. Whilst the scale, design, layout and landscaping would be considered through a reserved matters application, the application is supported with a Landscape Visual Impact Assessment and by visuals and CGI's to illustrate that only half of the field would contain built form with the remainder of the field being left over as open space. It is stated that this could be left as a natural open space or formalised with pathways and planted areas to provide an attractive recreational area for residents of the village; however, it would also be required to provide the drainage infrastructure which will be intrinsically link to the housing development and would not provide that clear separation as required by Policy CS11. It is therefore considered the wider site would be read as part of the housing development.

The Soar Valley has a dense settlement pattern which is interspersed by narrow gaps between many of the settlements. These narrow gaps vary in size and generally are related to the topography of the land between the settlements. Their

protection from development is critical to ensure the separate identities of the communities are maintained. Developments have been proposed and granted around the settlements in the valley but have not been permitted so as to significantly impact on the Areas of Local Separation (ALS). One such example is planning reference P/20/2140/2 where a development of 70 dwellings was permitted in the Area of Local Separation between Rothley and Birstall, as it was sensitively designed and unlike this proposal it only amounted to a small portion of the Area of Local Separation maintaining a clear separation between settlements.

It is therefore concluded that the proposal would be contrary to policies CS11 and saved policies CT/1 and CT/4 which serve an important function for preventing coalescence of the settlements and protection of the countryside. The quantum of development proposed clearly does not maintain the separation between the built-up areas of these settlements and causes harm to the separate identity of the settlements and landscape, a result of building within the settlement gap. The harm is considered to be significant and demonstrable. This weighs against the development and is considered further in the planning balance below.

### Landscape Character Impact

The application site is located within National Character Area 69: Trent Valley Washlands (NCA 69) and Local Character Assessment Soar Valley. The site is typical for the character area of the Soar floodplain. It is open gently rising in undulation toward the east. While the railway presents a physical barrier the landscape connects eastward beyond.

The submitted Landscape Visual Impact Assessment acknowledges that the site displays the key characteristics of both National and Local assessments but considers that the site is not central to the special interest of this landscape character, and is not an important part or feature of the Soar Valley Landscape Character Area. The Council's Landscape Officer considers that the resulting development would be harmful to the character of the countryside and local area. Glimpsed views of the site can be seen from the Public Rights of Way through the fields on the west of the road toward the site. There are extensive views across the fields toward the rocky uplands of the Charnwood Forest. Views of the site are filtered between the trees. The experience is that of being within a rural countryside setting away from the village.

The landform of the site as it rises to the east makes it prominent and particularly sensitive to change. The proposal would significantly alter the open rural characteristic and replace it with built form. This would have significant effect on landscape character and visual quality as well as the setting of the Charnwood Forest as viewed from the east.

The proposal would introduce a substantial number of houses along with the roads, parking areas, SUDs and play equipment which would all have a significant urbanising effect to the character of the countryside and the settlement edge of Sileby. It is not considered that this harm can be mitigated and weighs against the proposal in the planning balance and conflict with Policies CS11 and saved policies CT/1 and CT/4 .

## **Open Space**

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the National Planning Policy Framework and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy in this regard.

The indicative plan shows the whole southern part of the site maintained as open space and incorporates an equipped area of play. There is, however, no provision for older children, outdoor sports or allotments. Given the size of the site there would be an opportunity to provide some provision on site, but it is recognised this is likely to cause further harm to the Area of Local Separation. A commuted sum to improve facilities elsewhere within the area could be secured to mitigate for the lack of facilities.

Overall, it is considered that the development would provide good quality open space above the level required for the quantum of development proposed. The proposal is considered to comply with policy CS15 of the Development Plan.

## **Design and Appearance**

Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 supports development that is of a design, scale, layout and mass compatible with the locality and uses materials appropriate to the locality. Policy G2 of the Neighbourhood plan seeks to reinforce local distinctiveness and supports contemporary or innovative design where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policies in this regard.

Section 12 of the National Planning Policy Framework states that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work. Paragraph 134 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

There is no detailed design of the dwellings provided however it is reasonable to conclude that standard house types would be proposed in a reserved matters application. The indicative layout shows a development which is centred around an adopted spinal road leading to a series of cul-de-sacs and private access drives. It also shows that the edge of the development would look over the public open space providing an opportunity to soften the village edge. It proposes a density of 40 dph and the indicative layout appears comparable with the character of the residential estate which bounds the site to the north, a lesser density would better respond to this rural edge, softening the impact. However due to the harms identified above the



resulting impact upon settlement identity and the landscape it is not considered that the harms can be mitigated through design.

Should planning permission be granted, the appearance, layout, scale and landscaping would be subject to consideration under a subsequent reserved matters application. It is considered that a scheme could be designed on the basis of the illustrative master plan that accords with Policies CS2, EV/1, SNP Policy G2, and the design SPD in respect of the individual design of the house types that would preserve the amenity of existing nearby residents.

### **Residential Amenity**

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity. Properties most likely to be impacted by the proposal are those properties backing on to the application site to the north. The properties nearer to the front of the site are mainly single storey height whereas properties further into the site, where the topography rises, are of two storey scale. Careful consideration of house types to be placed adjacent the single storey development would be required however it is accepted that any future reserved matters application would have to ensure adequate separation between the existing and proposed development is provided, to prevent any unacceptable impacts upon residential amenity of both existing and future residents.

It is acknowledged that the outlook from the surrounding properties will change should the open space be built upon. There is no right to a view however there are policies in place to prevent loss of residential amenity and safeguards from overlooking and loss of privacy.

### **Highway Safety**

The outline application is seeking approval of the access into the site however an indicative layout of the residential development has been provided. Policy CS17 of the Core strategy requires that major development proposals provide well-lit streets and opportunities for walking, cycling and public transport access to key facilities whilst saved Policy TR/18 of the Charnwood Local Plan sets out parking standards in respect of development proposals. Paragraph 111 of the NPPF 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.

A large number of the objection letters have been received with reference to highway safety and congestion as a concern.

The Local Highway Authority (LHA) has been consulted in respect of the access which is the only matter for consideration with this outline application. The site access drawing has been revised to include 2.4m x 59m and 2.4m x 73m visibility splays from the proposed site access. This is to reflect the results of the speed survey which was undertaken on Cossington Road outside the site frontage on

Wednesday 23rd June between 14:00-16:00. The results confirmed that 85th%ile speeds of 34.7 mph northbound and 36.5 mph southbound were recorded. Cossington Road is subject to a 30 mph speed limit, and it is recommended that speed reducing measures are introduced on Cossington Road. This can be secured through conditions.

The design of the access in to the site is considered to be acceptable with the visibility splays in accordance with Leicestershire Highway Design Guide (LHDG).

#### Internal Layout and Parking Provision

As the access to the site is the only matter to be determined in detail at this stage, the submitted indicative site layout and internal layout including parking provision, are not for consideration at this time. However, the local Highway Authority advises that the proposals are required to be designed in accordance with the prevailing Leicestershire Highways Design Guide and local parking standards. It is considered that this can be secured through a future reserved matters application.

#### Junction Capacity

As part of the review of highway impacts a junction capacity assessment of the Syston Road / Main Street junction has been undertaken. The junction is shown to operate within capacity following completion of the proposed development and in the 2026 future assessment year and therefore no further assessments are required.

It is therefore concluded that the application proposals are acceptable and in accordance with paragraphs 110 and 111 of the National Planning Policy Framework subject to conditions and obligations as recommended/requested.

#### **Flooding and Drainage**

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

The site is predominately within Flood Zone 1 (low risk of fluvial flooding) with a portion of the site in Flood Zone 2 (medium risk of fluvial flooding) and Flood Zone 3 (high risk of fluvial flooding). The majority of the site is at low risk of surface water flooding with a small portion at a medium to high risk of surface water flooding on the western boundary of the site. The Environment Agency raise no objection and recommended conditions.

The Leicestershire Lead Local Flood Authority has assessed the submitted information and required confirmation that the approach to divert to the public sewers would be accepted by the Water Authority. The surface water proposals seek to discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 18.3l/s. initially the applicant proposed to outfall to an existing Severn Trent Water (STW) surface water sewer on the north west corner of the site. Further investigation by the applicant has indicated the connection between MH3104

and MH3204 back falls so no longer offers a viable discharge point for the site. Therefore, the applicant is proposing to run a new adoptable surface water sewer down Cossington Road alongside the existing surface water network and with connection into the existing STW outfall.

It is noted the applicant has discounted the viability of discharging surface water to the ordinary watercourse to the south of the proposed site due to required cover levels to achieve a gravity connection. The Lead Local Flood Authority notes the ordinary watercourse in question has caused concern with the surrounding residents of Sileby and downstream residents of Cossington in relation to past flooding events. Cossington is currently subject to a formal flood investigation under the Flood and Water Management Act 2010 in relation to a flood event that took place in October 2019.

The proposed entrance of the access road onto Cossington Road appears to be located in a medium area of surface water flooding. While much of the land contributing to this surface water flooding will be developed with a flow control, part of the catchment will still flow towards this location. The Lead Local Flood Authority have advised that measures are put in place to avoid access issues in relation to the medium surface water flood risk, without increasing flood risk to the surrounding area or to the proposed development. This could be secured by condition to ensure that no flood risk would occur.

The proposed attenuation basin also appears to be partially located within an area of high surface water flood risk, however as above; formally draining the development is considered to likely reduce this risk. The Lead Local Flood Authority have advised that they would expect any proposed SUDs to be located in areas of the site at lowest risk or the implementation of mitigation measures to ensure the attenuation basin can function up to the 1in100 40%cc event. These details will be required at the reserved matter stage.

It is considered that the scheme in principle is acceptable at this outline stage, subject to the imposition of appropriate planning conditions to further define the components of the Sustainable Drainage Scheme at the Reserved Matters stage. It is concluded therefore that, in principle, the proposed development can be accommodated on the site without causing or exacerbating flooding to other properties subject to the imposition of appropriate conditions requiring further details. The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework.

### **Ecology and Biodiversity**

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The application is supported by an extended Phase 1 Habitat Survey and includes a BIA assessment. The Borough Council's Senior Ecologist has confirmed that the proposal's effects on biodiversity could be satisfactorily addressed by detailed measures secured by approval of planning conditions and approved as part of the detailed reserved matters application.

The arable field is not considered to have an ecological benefit or support suitable habitats for protected species. The trees and hedgerow habitats along the perimeter of the site could be retained and potential enhancements could be made as part of the detailed design of the development, particular within the public open space and along the ordinary water course.

Subject to the imposition of a condition requiring a scheme of ecological enhancement, which can be secured by way of a landscaping scheme to be agreed, it is considered that the proposal accords with policy CS13 and paragraph 180 of the National Planning Policy Framework in respect of biodiversity and ecology.

## **Heritage**

Brook Farm farmhouse and the brick barns located off Cossington Road at the south west corner of the site are locally listed (2004) and is listed. The National Planning Policy Framework (208) advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal relates to the field to the north of the buildings with the proposed housing development being located further to the north retaining an area of open public land close to the locally listed buildings. It is not considered that the proposal presents any material harm to the setting of the buildings which are inward looking.

## **Loss of Best and Most Versatile Agricultural Land**

Following receipt of comments questioning the loss of the agricultural land the applicant has submitted an Agricultural Quality Survey. The survey has followed the methodology developed by the Ministry of Agriculture, Fisheries and Food (MAFF) for classifying agricultural land by grade according to the extent to which physical or chemical characteristics impose long-term limitations on agricultural use for food production. The MAFF ALC system classifies land into five grades numbered 1 to 5, with grade 3 divided into two subgrades (3a and 3b). Grade 1 is categorised as excellent quality agricultural land with no or very minor limitations with Grade 5 categorised as very poor quality agricultural land.

Core Strategy Policy CS16 states that development which protects environmental resources, including Best Most Versatile Land, will be supported. Paragraph 170 (b) of the National Planning Policy Framework also states that the economic and other benefits of Best Most Versatile Land should be recognised. Footnote 58 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

The investigations of the soil conclude that the site has two main soil types: loams over reddish clay and deep loams. The site is a mixture of grade 2 (66%), subgrade 3a (27%) and subgrade 3b (7%) agricultural quality, primarily limited by droughtiness and wetness. (see table 1 below)

With 66% of the site categorised as grade 2 there would clearly be loss of best and most versatile agricultural land however the areas of subgrade 3a dissects the field with a band of the not so good soils running through the middle of the site (northwest to southeast).

The survey shows the grade 2 land comprises the deep loamy soils in the east and west of the site. It is reported that the area is slightly limited by droughtiness, as the subsoils store below optimum moisture for crop uptake in dry conditions and where the deep loamy soils have gleyed subsoils, they are limited by wetness. It is stated that the moderate clay content of the topsoils and slightly impeded drainage (Soil Wetness Class II) means access with farm machinery is usually not possible in winter, which can restrict the flexibility of some cropping.

The Subgrade 3a land occurs across the centre of the site where it is reported that the area is subject to loamy soils overlie reddish clay at depth. It is stated that the combination of moderately high topsoil clay content and impeded drainage (Soil Wetness Class III) means access with farm machinery is not usually possible in winter and early spring, although late spring and autumn cultivation is possible in most years.

Table 1 – Agricultural Land Classification



Having regard to the relative limited size of the field and taking into account the submitted survey it is considered that there would be moderate harm as a result of the loss of best and most versatile agricultural which is to be assessed within the balance.

### Developer Contributions

Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning

obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

1. It is necessary to make the development acceptable in planning terms
2. It is directly related to the development
3. It is fairly and reasonably related in scale and kind to the development

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. This would be in accordance with the Framework and Community Infrastructure Levy (CIL) Regulations to mitigate the impact of the proposals. At the time of the determination, the following contributions have been requested;

Organisation requesting a contribution	Amount	Location of spend	CIL assessment
Affordable Housing	30% requested	On site	<p>The requested provision on site in mix to be agreed in compliance with Policy CS3 and the Sileby Neighbourhood Plan. 66% social and affordable rent and 34% shared ownership. Regards should be given to the Adopted Housing Supplementary Planning Document (HSPD). The adopted SPD seeks to secure affordable housing to accommodate the following: -</p> <ul style="list-style-type: none"> <li>• 1 bed: 2 person household</li> <li>• 2 bed: 4 person household</li> <li>• 3 bed: minimum 5 person household</li> <li>• 4 bed: minimum 7 person household units in order to meet local need.</li> </ul> <p>Recommendation: CIL compliant</p>
West Leicestershire	£54,077.76 towards providing	Highgate Medical Centre and	The site falls within the catchment of the two

Organisation requesting a contribution	Amount	Location of spend	CIL assessment
Clinical Commissioning Group (Healthcare)	additional clinical accommodation for 177.7 patients at Highgate Medical Centre and £71,119.49 towards providing additional clinical accommodation for 233.7 patients at Banks Surgery.	Banks Surgery	surgeries and would be impacted by the proposed development.  Recommendation: CIL compliant
Leicestershire County Council Education	<p>£744,192.00 towards improving capacity at local primary school.</p> <p>£124,698.00 towards funding Early Years</p>	<p>Improving, remodelling or enhancing existing facilities at Sileby Redlands Community Primary School or any other school within the locality of the development.</p> <p>Towards improving, remodelling or enhancing existing facilities at Cossington Primary school or at other schools or other early learning provision within the locality of the development.</p>	<p>The application site falls within the catchment area for Sileby Redlands Community Primary School (a deficit of 25 pupil places) and is within 2 miles of Highgate Community Primary School (deficit 120 pupil places). The proposal provides the need for 51 primary school places therefore the financial contributions are directly related in scale and kind to the development proposed.</p> <p>Recommendation: CIL compliant</p> <p>development will see an increase of 14 Early Years children to the area. The financial contributions are directly related in scale and kind to the development proposed.</p> <p>Recommendation: CIL compliant</p>

Organisation requesting a contribution	Amount	Location of spend	CIL assessment
Leicestershire County Council Highways	<p>Travel Packs: one per dwelling/employee at £52.85 per pack</p> <p>Bus Passes: 6 month bus passes, two per dwelling/employee at £430 per pass</p> <p>A Travel Plan monitoring fee of £6,000 for LCC's Travel Plan Monitoring System</p> <p>New Bus shelter at Bus Stop ID 260008504 at a cost of £4,500</p> <p>- Raised kerbs to allow level access; to support modern bus fleets with low floor capabilities at £3,500 per stop at both Bus Stop 260008534 and 260008504.</p> <p>- Information display case at Bus Stop ID260008534 at a cost of £120</p> <p>- Flag &amp; Pole at</p>	<p>Travel packs: Provision for new employees and residents of the development</p> <p>Bus passes: Provided to new residents and employees of the development</p> <p>Improvements to Bus stop 260008534 and 260008504 located on Cossington Road:</p>	<p>The contributions would contribute towards sustainable travel choices in accordance with Policy CS17 of the CS and the</p> <p>Recommendation: CIL compliant</p>



Organisation requesting a contribution	Amount	Location of spend	CIL assessment
	Bus Stop ID 260008534 at a cost of £170		
Charnwood Borough Council Open Spaces	On site provision and £238,021 for off-site improvements.	<p>Parks, Natural and Semi Natural Open Space and Amenity Green Space, LEAP, provision for children, young people can be met on site of which details will be required by planning condition.</p> <p>The remaining typologies (, Indoor and Outdoor sports facilities and allotments) are being met off site with contributions totalling £238,021</p> <ul style="list-style-type: none"> <li>- £ 55,992 towards Outdoor Sports</li> <li>- £ 19,197 towards allotments</li> <li>- £162,832 towards indoor sport</li> </ul>	<p>In accordance with policy CS15 of the CS, on site public open space is to be provided. The Councils Open Spaces Team has confirmed a number of projects which the contribution could fund and it would be within the vicinity of the site. The Indoor sport however is generated on the basis of a national calculator and therefore cannot be related in scale and kind to the development.</p> <p>Recommendation: Partially CIL compliant</p>
LCC Civic amenity	£ 8,784.00	Mountsorrel Household Waste and Recycling Centre	<p>The contribution would be spent to facilitate additional capacity in order to meet the additional demands created by the development.</p> <p>Recommendation: CIL compliant</p>
Leicestershire County Council	£ 5,130.00	The contribution is sought for research	The development will impact on local

Organisation requesting a contribution	Amount	Location of spend	CIL assessment
Library Services		e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development.	library services in respect of additional pressures on the availability of local library facilities Recommendation: CIL compliant

### Other Matters

The application is submitted in outline form therefore it is not known at this stage what the housing mix will consist of. Policy CS3 seeks an appropriate mix of housing having regard for identified housing need. Housing need in Charnwood is identified by the Housing and Economic Development Needs Assessment 2017 (HEDNA). This forms the evidence base for the policy, is up-to-date and should be given significant weight in the determination of planning applications. When seeking an appropriate mix, regard should be had for a number of factors which include the nature of the development site and the character of the wider area, as well as economic viability. Policy CS3 also requires that 30% of dwellings within new developments at Sileby be affordable dwellings.

In conclusion, overall, when considering policy CS3 and the Housing SPD, it is considered that the proposal is capable of according with the development plan in respect of housing mix which can be controlled by way of a planning condition to be determined as part of any subsequent reserved matters application. The provision, including the tenure and mix of affordable housing, can be secured by legal agreement.

### Infrastructure

Objections have been raised outlining the capacity issues in the villages of both Sileby and Cossington in relation to the existing medical practices and education facilities. Relevant statutory consultees have provided comment and consider that the impact of the development can be mitigated through collection of s106 monies to allow expansion of the facilities. Whilst it has been pointed out that Banks Surgery in Sileby is within a flood zone, there has been no feasibility studies undertaken to establish if either of the medical practices in the area could be expanded. Given planning permission would be required for any expansion (as with other facilities requiring expansion) there is no certainty that the capacity could be increased however this is not uncommon and should not lead to a refusal of a scheme where s106 monies are requested to mitigate impact.

A Heads of Terms for a s106 agreement has been submitted however this is not a legal document and the contributions are not secured at this time.

## **Conclusion and Planning Balance**

This application seeks to agree the principle of development on the site for up to 170 dwellings and provision of 5.88ha public open space through an outline planning permission with all matters reserved except for access. The supporting information and consultations have established that there are no technical reasons in relation to highways, flooding and biodiversity that indicates that planning permission should be refused.

A S106 legal agreement could be agreed and as such the potential impact on services and facilities in the area can be mitigated. However, at this current time, in the absence of a completed legal agreement, it must be concluded that the proposal does not provide the necessary infrastructure to meet policy CS24. Additionally, although the applicant is willing to provide a policy compliant level of affordable housing the mechanism to achieve this, (the Section 106 legal agreement), is not currently in place to secure its delivery. Accordingly, a reason for refusal around this is suggested. It is important to note that in the event of the appeal progressing, a section 106 legal agreement could be drawn up and if this is the case, this reason for refusal would fall away.

The adopted Core Strategy and saved policies of the Local Plan are the starting point for consideration of these proposals and would lead to the development being considered to be contrary to policy on the grounds that it is development in the countryside. The site is also in an Area of Local Separation where it is required to demonstrate that the appearance of openness is protected and maintained and prevents coalescence of settlements. However, the policies most important for determining the planning application are out of date and as such, the presumption in favour of sustainable development of NPPF paragraph 11 d) applies.

The provision of up to 170 dwellings in an accessible location, of which at least 30% could be affordable homes, would make a useful contribution to housing supply within the Borough and would support the Government's objective to significantly boost the supply of homes. At a time where there is a borough wide housing shortfall and the council can demonstrate only 3.34 years housing land supply, the benefits of such housing provision are afforded significant positive weight.

The proposal would provide some economic benefit in terms of construction, local spend, council tax and home bonus but these are standard for all development proposals and is afforded limited weight.

It has been demonstrated that the development is acceptable in respect of highway safety and capacity. This is afforded neutral weight as all proposals are required to be safe and not have any severe impact upon highway safety.

The proposal would provide areas of equipped play and additional public open space above what a development of this quantum would be required through the Development Plan. Whilst this could be perceived as a benefit to the residents in this area its main purpose would be to mitigate its harm to the area of separation and

landscape. In terms of existing provision in Sileby, the 2017 Assessment of Open Space shows that there are existing shortfalls in the quantity of Natural/Semi-natural POS and Allotments. There are accessibility shortfalls in all typologies of POS and this is particularly relevant given the location of the development site outside of the settlement boundary. There is a particular shortfall in provision for Young People (Teenagers), Allotments and Outdoor Sport in Sileby that will be made worse and the benefit of the scheme in terms of public open space provision is, therefore, limited i.e. some of the developments needs will be met and some won't. This in turn will have an impact on existing shortfalls in POS provision in Sileby.

The application site is not considered to have any significant ecological value and there is an opportunity to provide net biodiversity gains should approval be given. Development proposals are required to provide biodiversity benefits and therefore only moderate weight can be given to this as it is requirement to mitigate the development.

Whilst the proposal brings the benefit of new homes at a time when these are required, the development strategy set out within the Development Plan does not support large scale development outside of settlements limits and/or within Areas of Local Separation. Whilst it is recognised that the weight to be given to this development strategy is at this time reduced there are other areas of significant and demonstrable harm which must be considered alongside this. The proposal would cause significant harm to the character and appearance of the landscape and the setting of, as well as visual harm from a number of viewpoints and result in harm to Area of Separation protecting the separate identities of Sileby and Cossington. As a result there is conflict with Policies CS1 and CS11 of Charnwood Core Strategy, 'saved' Policies ST/2, CT/1 and CT/4 of the Charnwood Local Plan, Policies G1 and G2 of Sileby Neighbourhood Plan, and the aims and objectives of the National Planning Policy Framework. In combination these harms are considered to outweigh the benefits of the scheme when taken as a whole.

When applying the tilted balance the harms associated with the development are considered to be demonstrable and significant to outweigh the benefits of housing provision and limited economic benefit. The application is therefore recommended for REFUSAL for the following reason.

### **Recommendation A**

#### **Refuse planning permission for the following reasons;**

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

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

To approve the development would be contrary to Policies CS1 and CS11 of Charnwood Core Strategy: Local Plan (2011), 'saved' Policies ST/2, CT/1 and CT/4 of the Charnwood Local Plan, Policies G1 and G2 of Sileby Neighbourhood Plan, and the aims and objectives of the National Planning Policy Framework. In combination these harms are considered to significantly and demonstrably outweigh the benefits of the scheme when taken as a whole.

2. The development creates demand for open space, education provision and healthcare services which cannot be met by existing services. Additionally there is a need to secure affordable housing and an appropriate mix of type tenure and size of home in order to ensure that the proposal complies with development plan policy CS3. Notwithstanding the submitted Heads of Terms these matters have not been secured by way of a Section 106 Legal Agreement at this time. Accordingly the development fails to comply with policies CS3 and CS 24 of the Development Plan and would lead to significant and demonstrable harm which would outweigh the benefits of the scheme.