



## **TOWN AND COUNTRY PLANNING ACT 1990**

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**Section 78 Appeal By TAYLOR WIMPEY (UK) LTD**

**OUTLINE APPLICATION FOR UP TO 195 DWELLINGS, WITH ALL  
MATTERS RESERVED EXCEPT FOR ACCESS**

**Land North of BARKBY ROAD, SYSTON**

**PLANNING APPLICATION REF: P/21/2639/2**

**APPEAL REFERENCE: APP/X2410/W/23/3325902**

**CHARNWOOD BOROUGH COUNCIL  
APPEAL STATEMENT OF CASE**

12<sup>th</sup> September 2023



# Charnwood Borough Council's Statement of Case

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## 1. Introduction

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- 1.1 The subject planning application was validated on 20<sup>th</sup> December 2021.
- 1.2 Discussion between the applicant, the council's planning officers, and consultees had been ongoing, with attention focused on Highways matters during 2023. Further to comments by Leicestershire County Council Highway Development Management (Highways Authority) on 13<sup>th</sup> April 2023 the applicant submitted detailed information on 29<sup>th</sup> June 2023.
- 1.3 On 29<sup>th</sup> June 2023 the applicant submitted a notice of intention to submit an appeal, on the basis of non-determination, and on 13<sup>th</sup> July 2023 the applicant submitted its appeal.
- 1.4 Charnwood's planning officers invited consultees to refresh their responses as quickly as possible in order that officers could complete a report and bring that report to the council's Plans Committee, to resolve how the application would have been determined by the Council. That resolution would then inform the Council's Statement of Case.
- 1.5 The Plans Committee report (Appendix A), and recommendations which had been circulated to Members in advance of the meeting, had been prepared in the absence of an up-to-date formal response from the Highways Authority. On the morning of the Committee meeting of 17 August 2023, too late for circulation to Members, and too late for officers to consider in detail before presentation to the Plans Committee, the formal consultation response was received from the Highways Authority. The Highways Authority consultation response dated 17 August 2023 is attached as Appendix B.
- 1.6 At the Charnwood Borough Council Plans Committee meeting of 17<sup>th</sup> August 2023 officers could not answer, to the satisfaction of Members, how the concerns about sustainable travel and road safety had been addressed within the Highways Authority recommendations. Nonetheless, Members accepted that the 4<sup>th</sup> draft reason for refusal described in Recommendation A in the Committee Report, based upon the absence of commentary from the Highways Authority, could not be sustained.
- 1.7 The Plans Committee Members resolved that, had they had the opportunity to determine the application they would have refused planning permission for the reasons listed in the Committee Report (CR), excluding the fourth reason. The Extras Report



considered at the Plans Committee meeting and the draft minutes are attached as Appendices C and D.

- 1.8 In addition to Recommendation A, the Plans Committee also approved the officer's Recommendation B, which read:

*That delegated authority be given to the Head of Planning and Growth to respond to any changed circumstances in the context of the non-determination planning appeal which might alter the council's position. This authority would extend to whether to withdraw some or all reasons for refusal. It would also authorise him to agree the terms of a S106 agreement and planning conditions, which will be required by the Planning Inspectorate, regardless of the recommended decision.*

- 1.9 There had been an expectation that some of the reasons for refusal could be resolved during the time between the 17<sup>th</sup> August 2023 Plans Committee meeting and the opening of the Inquiry, and these matters could permit the withdrawal of relevant reasons for refusal. The authority given to the Head of Planning and Growth in the committee's resolution would allow all reasons for refusal to be withdrawn.

- 1.10 Receipt of the formal consultation response from the Highways Authority on 17<sup>th</sup> August 2023 informed the planning balance. That response opens by saying:

*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. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.*

- 1.11 During the days following the receipt of this response the Head of Planning and Growth has, after deliberation with officers and Members, reconsidered the planning balance in light of the Highways Authority consultation response, and has withdrawn all of the reasons for refusal, subject to the provision of an appropriate S106 planning agreement providing necessary contributions, and the use of necessary planning conditions. This is considered further in section 7 below.



## 2. The Appeal Site and its Context

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2.1 We refer the reader to the Committee Report dated 17<sup>th</sup> August (Appendix A).

*Figure 1 – Site Location Plan*



## 3. The Proposal

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3.1 The applicant sought permission to develop up to 195 dwellings, with all matters reserved save for the access.

3.2 Further details of the proposal are described within the submitted Design & Access Statement and other supporting documents, and summarised in the Committee Report. There is no need to replicate that detail herein.

## 4. Planning History

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4.1 Rather than repeating the planning history which the council thinks to be material to this consideration, we refer the reader to the Committee Report.



## 5. Planning Policy Context

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- 5.1 The reader is invited to review the Committee Report for a detailed analysis of the Development Plan policies most important to the determination of this appeal.
- 5.2 An agreed list of relevant Development Plan policies will be set out in the Statement of Common Ground.

### **The National Planning Policy Framework (NPPF)** (Sept 2023)

- 5.3 The NPPF has been revised during recent days and is a material consideration in planning decisions.
- 5.4 The Committee Report undertook a planning balance, based on the information available when it was drafted. This Statement will revisit that balance in the light of the consultation response from the Highway Authority dated 17<sup>th</sup> August '23.
- 5.5 **Paragraph 219** - Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

### **Draft Charnwood Local Plan 2021-2037** (submitted Dec '21)

- 5.6 The submitted Local Plan's Examination continues. The hearing sessions were concluded in February 2023, and unless required by the Inspector, no further hearing sessions are anticipated.
- 5.7 On 23<sup>rd</sup> May 2023 after observation of a pre-election period moratorium, the Inspectors issued a letter to the Council following the hearing sessions setting out next steps. The letter is attached at Appendix E and an extract reads as follows:

*Based on all that we have read to date and heard at the hearing sessions, we consider that updates to the work in relation to Transport and Viability matters are necessary. We also consider that there should be a period of consultation on the outcome of that work, and on a **limited** number of other matters in advance of the formal consultation on main modifications. (emphasis added) (PINS May, 2023)*



5.8 The updates to the transportation matters have been issued to PINS by the Highways Authority in July 2023.

5.9 At the time of writing, Charnwood Borough Council is engaged with PINS in making arrangements to consult on the matters directed. These are:

1. *The Sustainability Appraisal Addendum (Exam Document 57) (Published on the Local Plan Examination website)*

2. *The proposed approach to increasing housing land supply as set out in Exam Document 56, including the sites proposed for an increase in capacity in Appendix A Tables 1, 2 and 3. (Published on the Local Plan Examination website)<sup>1</sup>*

3. *Updated completions/housing land supply monitoring data to 31.3.23.*

4. *Updated local plan viability assessment in light of increased secondary school and transport infrastructure costs*

5. *The scope and content of three area transport strategies (Exam 74 – published on the Local Plan website)*

**Table 1:** *Estimated programme of events toward adoption of emerging Charnwood Local Plan*

Event	
Sept '23	
Oct '23	Consultation on Exam 56 and Exam 57
Nov '23	
Dec '23	Consultation on Main Modifications
Jan '24	
Feb '24	Publication of Inspector's Report
Mar '24	<b>Adoption</b>

5.10 That consultation will be for a period of 4 weeks, following which the Inspectors will reflect upon the updated position.

5.11 Following that consultation period, the Inspector is likely to report to the Local Planning Authority recommending “main modifications” prior to adoption. At this stage those emerging policies which do not require modification will carry significant weight. The timing of this report is in the Inspectorate’s gift, but it is the council’s expectation that the report will emerge soon after the target decision date in this appeal.

<sup>1</sup> [Examination Documents - Charnwood Borough Council](#)



- 5.12 Therefore, based upon the Inspectors letter of 23 May 2023, it is anticipated that the draft Charnwood Local Plan 2021-2037, as modified (if necessary), will be adopted during Q1 2024.
- 5.13 The Council reserves the right to provide updates on that progress during the course of the appeal, as necessary and relevant to this appeal.

### Weight to be attached to emerging policies

- 5.14 As the emerging Local Plan progresses toward adoption more weight can be given to its policies, in accordance with NPPF paragraph 48. The table below illustrates those policies which are most important in the determination of this appeal, and the weight to be afforded at the date of drafting this Statement.

*Table 2 - Weight to policies in the emerging Local Plan*

Emerging Local Plan Policy	Consistency with NPPF paragraph 48	Weight
C1 Countryside	The plan is at an advanced stage – Examination. Hearing session on Countryside took place during discussions for Matter 2 (Vision, Objectives, Sustainable Development and the Development Strategy) in June 22.  No further discussion planned for Countryside and it is considered there are no unresolved objections thus far.  C1 is consistent with NPPF paras 11, 16, 20, 23, 80, 84, 174	moderate
DS1: Development Strategy	The plan is at an advanced stage – Examination. Hearing session on the Development Strategy have taken place Feb 23. There are still unresolved objections to the Development Strategy  The Development Strategy is consistent with the policies in the NPPF para 20.	limited
DS5 High Quality Design	The plan is at an advanced stage – Examination. Hearing session on Design took place during discussions for Matter 3 (Environment & Climate Change) in June 22.  No further discussion planned for design and it is considered there are no unresolved objections thus far.  DS5 is consistent with the NPPF para 130.	moderate
DS3: Housing Allocations	The plan is at an advanced stage – Examination. sessions on housing allocations were heard in Feb 23.	limited





	<p>There remain unresolved objections</p> <p>DS3 is consistent with the NPPF para 68.</p>	
EV6: Conserving and Enhancing Biodiversity and Geodiversity	<p>The plan is at an advanced stage – Examination. Hearing sessions on the Environment took place during June 22.</p> <p>Representations to EV6 and issues identified through the MIQs were discussed at the hearing session in June 22.</p> <p>EV6 is consistent with NPPF paras 174, 179</p>	moderate
EV8 Heritage	<p>The plan is at an advanced stage – Examination. Hearing sessions on the Environment took place during June 22.</p> <p>Representations to EV8 and issues identified through the MIQs were discussed at the hearing session in June 22.</p> <p>EV8 is consistent with NPPF paras 20, 190</p>	moderate
EV9: Open Spaces, Sport and Recreation	<p>The plan is at an advanced stage – Examination. Hearing sessions on the Environment took place during June 22.</p> <p>Representations to EV9 and issues identified through the MIQs were discussed at the hearing session in June 22.</p> <p>EV9 is consistent with NPPF paras 84, 93, 98, 99</p>	moderate
CC5: Sustainable Transport	<p>The plan is at an advanced stage – Examination. Hearing sessions on Climate Change took place during June 22.</p> <p>Representations to CC5 and issues identified through the MIQs were discussed at the hearing session in June 22 and modifications to the policy agreed.</p> <p>CC5 is consistent with NPPF paras 104, 105, 106</p>	moderate
INF1: Infrastructure and Developer Contributions	<p>The plan is at an advanced stage – Examination. Hearing sessions on INF1 concluded in Feb 23.</p> <p>Main modifications were accepted by the Inspectors from the Highway Authority, which will be subject to public consultation</p> <p>INF1 is consistent with NPPF para 34</p>	limited
INF2: Local and Strategic Road Network	<p>The plan is at an advanced stage – Examination. Hearing sessions on INF2 concluded in Feb 23.</p> <p>Main modifications were accepted by the Inspectors from the Highway Authority, which will be subject to public consultation</p> <p>INF2 is consistent with NPPF paras 104, 105, 106, 110, 113</p>	limited

5.15 Leicestershire County Council has proposed modifications to policies INF 1 and INF2 and to various housing allocation policies including HA3 (the appeal site). The main



modifications proposed include a change to the preamble to the allocations on page 33 of the emerging Local Plan, after para 2.64, which would read:

*The design and layout of development can contribute to managing its impact on, and accessibility to, infrastructure. We expect the design and layout of development on our allocated sites to be considered comprehensively with development at nearby sites, especially with regards to the following clusters of adjacent or adjoining sites:*

- *Syston – sites HA1, HA2, HA3 and HA8*
- *Loughborough – HA18 and LUC3 (Loughborough Science and Enterprise Park)*
- *Shepshed (West) – HA32 and HA34*
- *Shepshed (South) – HA39, HA40 and HA41*
- *Barrow upon Soar – HA45 and HA46*
- *Queniborough – HA64 and HA65*

*Proposals should respond positively to opportunities for integrating infrastructure provision between sites, including in respect of site access arrangements, other highways and transport requirements and landscaping and other green infrastructure. For highways and transport, this particularly relates to:*

- *avoiding a proliferation of new site access points and potential deliverability risks (e.g. due to highway safety or capacity issues);*
- *avoiding duplication and/or conflict between sites in respect of other localised off-site transport requirements (e.g. the installation of new footways, cycleways, crossing facilities, bus stops or passenger transport service provision);*
- *embracing potential opportunities to provide joint/linked on-site transport infrastructure in those cases where sites directly adjoin (e.g. HA2 and HA3), for instance the provision of spine road(s), walking and cycling facilities and/or passenger transport services that connect through/between the sites, which may reduce or negate some of the likely off-site transport infrastructure requirements described through (i) and (ii) above*

5.16 LCC proposes that policy DS3 HA3 of the draft Local Plan has a new bullet point added, worded as follows:

*Does not prejudice the delivery of adjacent/adjoining sites HA1, HA2 and HA8 with regards to site-specific highways and transport requirements, as summarised within paragraph 2.65 of the supporting text, and reasonably and*



*appropriately provides for or enables such requirements to be delivered in the future, as necessary.*

5.17 These draft modifications may or may not become some of the main modifications which the Local Plan Inspectors select for consultation. They may, or may not become adopted policy in due course, and may gain weight during the course of this appeal. At the date of this Statement, they carry no weight. The Council reserves the right to update the Inspector during the Inquiry if the respective weighting has altered, in its view, and in post inquiry submissions if the emerging Local Plan has progressed further.

### **Other Material Considerations**

5.18 The Committee Report (Appendix A) describes the other material consideration taken into account in the council's consideration of the application.

5.19 Since the Committee Report a revised NPPF has been published, but the revisions do not impact upon this appeal.

5.20 The Secretary of State for Levelling up, Housing and Communities wrote to Council Leaders on 8<sup>th</sup> September to say, amongst other matters, that a further revision of the NPPF is to be published in the autumn. If this is published before this appeal is determined it may become necessary for the parties to submit further evidence to respond to a changed policy context.

## **6. Matters Which Have Changed Since the Committee Report**

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### **Highway Contributions**

6.1 The final formal consultation response from the Highways Authority was received on the day of the Plans Committee which the Committee Report was presented to. The Committee Report had been published a week before the Committee meeting and was not informed by the final formal Highways response.

6.2 That response, dated 17<sup>th</sup> August 2023 sets out a number of financial contributions in respect of travel which the Highways Authority see as necessary to comply with



Government guidance in the NPPF and commensurate with Leicestershire County Council Planning Obligations Policy:

*Table 3 - Summary of planning obligations to LCC Highways*

<p>Highways improvements</p>	<ul style="list-style-type: none"> <li>● <b>Travel Packs:</b> to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack per plot). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500. Advised Trigger: 100% of contribution paid Prior to Commencement of Development.  Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.</li> <li>● <b>Six-month bus passes,</b> two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at a current average cost of £360.00 per pass. Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council.  Justification: To encourage residents to use bus services as an alternative to the private car.</li> <li>● <b>STARS</b> for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000. Justification: To enable LCC to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement. 11. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.  Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.</li> <li>● A £7,500 contribution towards the <b>Traffic Regulation Order</b> for removal of the existing demarcated on-street parking provision on the southeast bound and northwest bound carriageway on Melton Road in</li> </ul>
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	<p>order to facilitate the junction improvements as indicatively shown on drawing number 20060-08 Rev B.</p> <p>Justification: In the general interest of highway safety in accordance with the National Planning Policy Framework (2021).</p> <ul style="list-style-type: none"> <li>• A contribution under the <b>Interim Charnwood Transport Contribution Strategy</b> of £2,445,323.71.</li> </ul> <p>Justification: To contribute towards mitigating the wider impacts of the development on the highway and transport network within Charnwood Borough, which otherwise cumulatively with other developments would be severe as identified through evidence prepared by Charnwood Borough Council to underpin its Local Plan</p>
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- 6.3 During the processing of the application the Appellant and the Highways Authority discussed contributions toward sustainable travel, in addition to the off-site junction improvements, travel packs, bus passes, STARS and the TRO. A value of around £450,000 was being considered. The figure now described as an interim Charnwood transportation strategy sum is roughly £2 million more than previously considered by the Appellant.
- 6.4 The Appellant has not agreed that the contribution sought by the Highways Authority, described as a “contribution under the Interim Charnwood Transport Contribution Strategy of £2,445,323.71” is compliant with Community Infrastructure Levy Regulation 122, but has offered, in the Statement of Common Ground, to revert to the £450,000 contribution previously considered, as a contribution toward sustainable travel in its stead.
- 6.5 Since the receipt of the Highways Authority request on 17 August 2023, Charnwood Borough Council has requested that the Highways Authority provide evidence to support the requested “contribution under the Interim Charnwood Transport Contribution Strategy of £2,445,323.71.”
- 6.6 Pending receipt, and review of that evidence Charnwood Borough Council cannot, and does not defend this component of the Highways Authority requested contributions. However, Charnwood Borough Council reserves a right to revise its position in the event that evidence is submitted to the Inquiry by the Highways Authority.
- 6.7 All of the other contributions sought by the Highway Authority are agreed by the Appellant and considered by the Planning Authority to be CIL compliant.



## Highway Conditions

6.8 Amongst the recommended planning conditions the Highways Authority have asked for two off-site junctions to be improved. The appellant suggests that the latest information submitted by their transport consultants demonstrate that these junctions need not be improved. The competent authority is the Highways Authority, and Charnwood Borough Council has invited them to submit evidence in this matter.

## Education, Libraries and Waste Contributions

6.9 During the application consultation responses from Leicestershire County Council set out a suite of contributions, which are largely agreed with the Appellant (subject to the terms of a Statement of Common Ground). In response to the notice of appeal Leicestershire County Council reviewed their consultation response and have consequently revised the contribution sum for Early Years and Primary Schools (see Appendix F). These revised requests dated 20<sup>th</sup> July 2023 are based upon a review of its infrastructure requirements.

*Table 1 - Summary of other planning obligations to LCC*

Education and early years	<p><b>Early Years - £304,250.70 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Merton Primary School or at other schools or other early learning provision within the locality of the development.</p> <p><b>Primary School Sector – £679.172.00 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Merton Primary School or any other school within the locality of the development</p> <p><b>Secondary School Sector - £0 contribution</b> towards provision. Wreake Valley Academy has sufficient surplus capacity.</p> <p><b>Post 16 Sector</b> – It is confirmed that <b>no contribution</b> is required from this sector.</p> <p><b>Special needs School Sector – £110,074.44 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Ashmount School or any other school within the locality of the development improving capacity at SEN school.</p>
Libraries	<p><b>£5,888.55</b> contribution towards the enhancement of Syston Library</p>



Waste	<b>£10,076.65</b> is required to contribute towards waste management at the HWRC at Mountsorrel.
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- 6.10 Leicester County Council intends to submit a statement of compliance with the CIL Regulations to the Inspectorate, independently of this Statement.

### Healthcare Contributions

- 6.11 The Leicester, Leicestershire & Rutland Integrated Care Board to Charnwood Borough Council, as the competent authority in assessing the appropriate level of financial contribution arising from this appeal proposal, initially asked for a contribution of £63,952.32 on 22<sup>nd</sup> July 2022. They now seek to revise that figure to £94,984, to be applied to the same GP practices as before (see Appendix G). The difference between the two figures arises from the number of additional patients to be accommodated. The earlier consultation used a figure which was errant.
- 6.12 The revised figure of £94,984 is now agreed between the parties as being appropriate and CIL compliant.

### Affordable Housing and Open Space

- 6.13 The sixth reason for refusal presented to the Plans Committee in the Committee Report referenced contributions and obligations to affordable housing and open space within the Borough. The appellant has now tabled a draft S106 agreement, which will be provided to the Inspector in due course, which includes commitments from the Appellant in respect of these matters in line with the contributions and obligations requested by the relevant consultees. Charnwood Borough Council consider that these contributions and obligations are compliant with the CIL Regulations.
- 6.14 In the context of this appeal, the draft s106 agreement will be before the Inspector, who will adjudicate upon any unresolved matters, or points of difference. Therefore, the draft reason for refusal can no longer be defended.



## 7. The Planning Balance

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- 7.1 Section 70(2) of the Town and Country Planning Act 1990 requires the decision taker to have regard to the development plan, so far as it is material to the application.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: “if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 7.3 Recognising the primacy of the extant development plan in the consideration of this development proposal, this assessment begins with the degree to which the proposal is compliant with, or in conflict with the Core Strategy 2021-2028 (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (, and the Minerals and Waste Local Plan (2019). The policies were fully considered in the Committee Report and so are not repeated in detail here.
- 7.4 The proposal conflicts with saved policies CT/1, CT/2 and ST/2 of the Local Plan. It is acknowledged that these policies are out of date, in that the council cannot demonstrate a 5-year deliverable housing land supply, but that is not to say that they carry no weight.
- 7.5 There is a conflict with policy M11 of the Leicestershire Minerals and Waste Local Plan, in that the safeguarding minerals would not benefit from the exemption relating to development lands, until the emerging Local Plan is adopted.
- 7.6 The conflict with saved policies CT/1, CT/2 and ST/1 of the Local Plan, and policy M11 of the M11 of the Leicestershire Minerals and Waste Local Plan are weighed in the planning balance. The conflict is weighed against the emerging policy DS3 which allocates the site for housing and is likely to be adopted in the Charnwood Local Plan in early 2024. The conflict is also weighed against the current lack of 5 year housing land supply in the Borough. The County Minerals Authority do not object to the emerging allocation or the appeal proposal.
- 7.7 The concerns relating to archaeological potential cited in the 3<sup>rd</sup> reason for refusal in the Committee Report is currently being addressed by the Appellant. A Written Scheme of Investigation has been agreed between the Appellant and the Council, and trial trenching has commenced. It is the parties’ expectation that the results of the investigation will be known before the opening of the Inquiry. It is anticipated that the





archaeological investigation will allow the heritage impacts of the scheme to be understood, in accordance with NPPF paragraphs 194, 195 and 203, and policy CS14 of the Core Strategy 2015 and emerging policy EV8 of the draft Local Plan 2021-37. The Borough Council reserves the right to comment further once the trial trenching has been concluded and the results are available.

- 7.8 In this appeal, the material considerations of NPPF paragraph 11d and the emerging Local Plan are significant in the planning balance. The development plan process has identified the appeal site as a housing allocation under emerging policy DS3 (site HA3). Based upon the concluded hearing sessions, there is a very high likelihood that this site allocation will become an adopted housing allocation a few months after this appeal is determined.
- 7.9 In the Committee Report the planning balance was weighed in a context where there was no support from the Highways Authority for the development proposed, and so the conclusion reached was that the 11d(ii) exception had been satisfied, and the presumption in favour of granting permission overcome. However, the Highways Authority confirmed on 17 August 2023 that it is satisfied with the proposal, subject to planning conditions and obligations. Whilst the Appellant has not agreed that all of the conditions are appropriate, nor that all of the proposed obligations are necessary, it has been demonstrated by the Highways Authority response that those matters of concern to the Highways Authority can be addressed by planning conditions and obligations.
- 7.10 In accordance with paragraph 111 in the NPPF, development should only be refused permission 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. The Highways Authority now consider that there would not be an unacceptable impact.
- 7.11 The Planning Authority's latest position on a supply of deliverable housing land is that there was a 4.27-year supply on 1st April 2023. Footnote 8 in the NPPF, referencing its paragraph 11d advises that in such circumstances, where the proposal involves the provision of housing, the most important policies for determining the application are out-of-date. The policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The NPPF paragraph 11d guides decision makers to grant permission unless one, or both limbs of exception tests are satisfied.
- 7.12 The second exception, at 11d(ii) would require that "any adverse impacts [arising from granting permission] would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole."



## 8. Conclusion

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- 8.1 The presumption in favour of sustainable development, expressed by paragraph 11 of the National Planning Policy Framework (September 2023), guides decision takers to grant planning permission, in the context of the most important policies for determining the application being out of date, unless one of the two exceptions is satisfied. Exception (i) does not (subject to the findings of the ongoing archaeological investigation) overcome the presumption in favour of approval in this case.
- 8.2 Without the significant adverse impact to highways described in the Committee Report to the Charnwood Borough Council's Plans Committee, the other reasons for refusal listed in that report are not considered to significantly outweigh the benefits of allowing the appeal. Now that the Highway Authority do not consider the appeal proposal to conflict with NPPF paragraph 111, save for the Inspector's adjudication on the necessity for contested planning conditions and obligations, the tilted balance defined by paragraph 11d(ii) leads the Borough Council to recommend the granting of planning permission, subject to conditions and planning obligations.
- 8.3 This "tilted balance", informed by the extant policies, emerging policies in the draft Charnwood Local Plan 2021-37 and the Framework taken as a whole, in this instance, means that the tilted balance in favour of granting permission outweighs the extant policies which limit the supply of housing land, and which are out of date.
- 8.4 Third parties may, of course continue to promote reasons for refusal not pursued by the Borough Council.



# **Appendix A**

Plans Committee Report 17 August 2023

**Item No: 5a****Application Reference Number:** P/21/2639/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	20 <sup>th</sup> Dec 2021
<b>Applicant:</b>	Taylor Wimpey (UK) Limited		
<b>Proposal:</b>	Outline application for up to 195 dwellings with all matters reserved except access.		
<b>Location:</b>	Land North of Barkby Road, Syston, Leicestershire		
<b>Parish:</b>	Barkby	<b>Ward:</b>	Syston East
	Syston		
<b>Case Officer:</b>	Liam Ward	<b>Tel No:</b>	07808 844786

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**1. Background**

- 1.1 This application is referred to Plans Committee because the applicant has submitted an appeal to the Planning Inspectorate under Section 78 of the Town and Country Planning Act 1990, on the basis that the local planning authority has failed to determine the planning application within the relevant timeframe.
- 1.2 Much of the information required to inform a decision was available to the Borough Council several months ago but matters around access and traffic had not been resolved, and therefore an officer recommendation was not made to the Plans Committee at an earlier date.

**2. Description of the application site**

- 2.1 The application site, extending to 8.29Ha, lies to the east of the town of Syston. It is roughly wedge shaped, being wider toward the rear, and north of the lands. It has frontages onto Barkby Road and Queniborough Road.
- 2.2 Topographically, the site lies within the gently undulating river valley landscape which broadly falls from high land to the east to the river to the west. Within this broad framework there are localised low hills to the south rising to c.80m above Ordnance Datum (aOD) to the south of Barkby (at Barkby Thorpe). The site itself broadly falls gently south-west from Queniborough Road at its north-eastern extent (at c. 65m aOD) towards the settlement edge at its south-western extent (at c.59m aOD). The lowest area of the site falls towards the centre of its western boundary.
- 2.3 The site adjoins established residential development at Empingham Drive and John Frear Drive to the west. To the north are open fields and to the east is

Queniborough Road with fields beyond. To the south is Barkby Road and an open field beyond.

*Figure 1 - Site Location in context*



- 2.4 The land is currently divided into three component parts. A hedge running roughly east to west bisects the front portion of the site. The rear portion is separated from the rest by a Public Right of Way (PRoW) (footpath, ref J37), linking east from the settlement edge to Queniborough Road. The PRoW passes through the application site.

Figure 2 - Application site's 3 component parts



- 2.5 The site is outside the defined Limits to Development of Syston. The site has no landscape designations. The site is located at the intersection between Soar Valley Landscape Character Area and Wreake Valley Landscape Character Area.
- 2.6 The site and its environs are identified in the Council's Graphical Information System as having a series of notifiable constraints relevant to the residential proposal. It is within Landfill Buffer Zone EAHLD22640, which relates to historic landfill on land to the north, and beyond the application site boundary.
- 2.7 It has been identified as having a connection with a historic brickworks, which raises potential contamination risk. A pond, or ponds had existed in 1903, but are no longer evident. They may have been infilled. It is within a minerals consultation area for both gypsum and sand & gravel.
- 2.8 The site is allocated for housing in the submitted Local Plan 2021-37 under policy DS3 site identification HA3.

### **3. Description of the proposal**

- 3.1 The proposal is for outline planning permission for up to 195 dwellings on the site. All matters are reserved other than access.
- 3.2 The site's area is 8.29Ha. The illustrative masterplan, and Design and Access Statement show that 2.4Ha, or 29% would be devoted to publicly accessible open space. 5.5Ha would be developed, including the housing, internal roads, and footpaths. The net density would therefore be 35.5 dwellings per hectare. The balance of the site area is illustrated as being used for attenuation ponds.
- 3.3 The applicant offers 30% of the approved stock as affordable housing.
- 3.4 Access would be taken from Barkby Road, on the site's southern boundary, with a right-turning lane, and a road width of 5.5m. Provision is to be made for future junction improvements which could also serve the lands to the south of Barkby Road, should they become the subject of a future planning application. That improvement would be a roundabout to replace the priority junction, at the same location as the currently proposed junction. A footpath across the site's frontage, west of the vehicular entrance, will connect with the existing public footpath at Empingham Drive to the west.
- 3.5 Existing hedgerows around its eastern, western, and northern boundaries are to be retained, and enhanced. The hedgerow adjacent to Queniborough Road is to be widened to 10m. The existing southern boundary hedge would largely be removed in order to provide for the new access. The hedgerow which runs from east to west within the site is to be largely retained, except where internal development roads would pass through it.
- 3.6 The applicant proposes an internal roads hierarchy, with interlinking footpath providing pedestrian permeability. This proposed footway would connect with the PRow, offering linkages to the development to the west, the proposed development to the north, and to Queniborough Road. An equipped children's play is shown indicatively in the middle of the site, with other green and blue spaces distributed around the site.

3.7 This Outline Planning Application is comprehensive and is accompanied by the following supporting information:

- Design and Access Statement
- Planning Statement
- Arboricultural Impact Assessment
- Air Quality Assessment
- Travel Plan
- Transport Assessment
- Archaeological and Heritage Assessment
- Landscape & Visual Assessment
- Flood Risk Assessment
- Agricultural land classification
- Ground gas risk assessment
- Geological environmental site assessment
- Statement of Community Involvement
- Illustrative Masterplan
- Ecological Appraisal
- Biodiversity Metric

3.8 During the processing of the application, and in response to consultee comments, revised information has been submitted in respect of the flood risk, air quality and highways. The relevant consultees were re-consulted.

#### **4. Pre-Application Advice**

4.1 The applicant sought formal pre-application advice prior to the submission of the planning application. A meeting was held with planning, landscape and ecology officers on 13th May 2021. Following the meeting, a formal pre-application response was issued on 11th June 2021 (reference number: P/20/2260/2). That advice was that, on balance, a housing proposal on the site was likely to be approved in principle, subject to detailed consideration of identified areas of concern.

4.2 Public consultation was undertaken by the applicant prior to the submission of the outline planning application, including the circulation of a consultation leaflet to local residents, ward councillors and the launch of a project website. The website included a digital virtual public exhibition to enable to local community to find out more information about the proposals and provide feedback. The website included a live chat service, and responses could also be submitted via the website, email or by freephone. Meetings have also taken place between the applicant and Syston Town Council. The planning application is supported by a Consultation Statement by Development Communications Ltd (trading as Devcomms), which sets out details of the public consultation process to date.



## 5. Development Plan Policies

- 5.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies) and the Minerals and Waste Local Plan (2019).

The policies applicable to this application are as follows:

### 5.2 [Charnwood Local Plan Core Strategy \(CS\)](#)

Policy **CS1** Development Strategy  
Policy **CS2** High Quality Design  
Policy **CS3** Strategic Housing Needs  
Policy **CS11** Landscape and Countryside  
Policy **CS13** Biodiversity and Geodiversity  
Policy **CS14** Heritage  
Policy **CS16** Sustainable Construction and Energy  
Policy **CS17** Sustainable Travel  
Policy **CS18** The Local and Strategic Road Network  
Policy **CS24** Delivering Infrastructure  
Policy **CS25** Presumption in favour of sustainable development

### 5.3 [Borough of Charnwood Local Plan \(CLP\) \(adopted 12 January 2004\) \(saved policies\)](#)

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  
Policy **CT/1** General Principles for areas of countryside  
Policy **CT/2** Development in the Countryside  
Policy **EV/1** Design  
Policy **TR/18** Parking in New Development

### 5.4 **Minerals and Waste Local Plan (2019)**

This document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031.

Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

## **6. Other material considerations**

### **6.1 [The National Planning Policy Framework \(NPPF\) \(2021\)](#)**

The NPPF policy guidance which is of relevance to this proposal includes:

- Section 2: Achieving sustainable development.
- Section 4: Decision making
- Section 5: Delivering a sufficient supply of homes.
- Section 8: Promoting healthy and safe communities.
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving well-designed places.
- Section 14: Meeting the challenge of climate change, flooding and coastal change.
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment.

### **6.2 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.

### **6.3 National Design Guide**

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

### **6.4 Leicestershire Housing and Economic Needs Assessment (HENA) –2022**

HENA provides an up-to-date evidence base of local housing needs including an objectively assessed housing need figure 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.

**6.5 Housing Supplementary Planning Document (SPD) (adopted May 2017 – updated December 2017)**

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

**6.6 Design Supplementary Planning Document (January 2020)**

This document sets out the 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.

**6.7 Leicestershire Highways Design Guide**

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 expected to be provided in new housing development.

**6.8 Landscape Character Appraisal**

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'.

**6.9 Technical Housing Space Standards (2015)**

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but it is included in draft Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

## 6.10 **Conservation of Habitat and Species Regulations 2010 (as amended)**

The Council as Local Planning Authority is obliged, in considering whether to grant planning permission, to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a license being subsequently issued by Natural England.

## 6.11 **Equality Act 2010**

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

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

As the application proposals are for urban development on a site of more than 0.5 hectares, the proposals fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. Such projects only require an EIA if the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Given the nature and location of the application proposals, it is not considered that the application would constitute EIA development.

## 6.13 **[The Draft Charnwood Local Plan 2021-37](#)**

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2019-37. A number of hearing sessions have been held on some matters in June 2022. Further hearing sessions were held in October 2022 to address the specific matter of Leicester's unmet need. Following the further consideration of this issue by the Planning Inspectorate, hearing sessions will resume in February 2023.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to;

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given),
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given),
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy **DS1** Development Strategy
- Policy **DS2** Leicester and Leicestershire Unmet Needs
- Policy **DS3** Housing Allocations (Allocated site HA3)
- Policy **DS5** High Quality Design
- Policy **LUA1** Leicester Urban Area
- Policy **H1** Housing Mix
- Policy **H2** Housing for Older People and People with Disabilities
- Policy **H3** Internal Space Standards
- Policy **H4** Affordable Housing
- Policy **EV1** Landscape
- Policy **EV6** Conserving and Enhancing Biodiversity and Geodiversity
- Policy **EV7** Tree Planting
- Policy **EV9** Open Spaces, Sport and Recreation
- Policy **EV11** Air Quality
- Policy **INF1** Infrastructure and Developer Contributions
- Policy **INF2** Local and Strategic Road Network

The application site area matches the housing allocation DS3(HA3).

The weight assigned to the relevant policies will be addressed in the assessment that follows.

#### 6.14 **Planning Guidance for Biodiversity June 2022**

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

### 7. **Relevant Planning History**

7.1 The planning history of this site is described in the table below:

<b>Reference</b>	<b>Description</b>	<b>Decision &amp; Date</b>
P/18/0691/2	Screening need for environmental assessment	No EIA Required 31 <sup>st</sup> May 2018
P/18/1366/2	Outline application for up to 195 dwellings, together with open space, landscaping and drainage infrastructure, with all matters reserved except for access into the site from Barkby Road	Withdrawn 17 <sup>th</sup> Jan 2020

7.2 Also relevant to this consideration are some adjacent lands, and their planning history:

Reference	Description	Decision & Date
P/01/2462/2	Erection of 340 dwellings on lands adjacent to western boundary of current application site	Approved 2004 – now built
P/05/2311/2	Highways matters relating to discharge of conditions for application above. Includes traffic lighted junction at eastern end of current application site.	Approved 2005 – now completed
P/22/0354/2	Outline application for up to 251 dwellings on allocated site HA2, adjacent to northern boundary of current application site sharing common boundary along part of length of PRow J37	ongoing

## 8. Responses of Consultees & Other Comments Received

8.1 The table below sets out the responses that have been received from consultees with regard to the application. These requested obligations have been revisited with consultees following notice of the submission of the planning appeal. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

Consultee	Response
Leicestershire Lead Local Flood Authority – Leicestershire County Council (2/8/22)	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of planning permission regarding surface water drainage. Confirms that the site is within Flood Zone 1.
Housing Strategy & Support Charnwood Borough Council (21/3/22)	In accordance Policy CS3 the Applicant is required to provide 30% (59) of the dwellings as Affordable Dwellings. Of the 59 Affordable Dwellings 77% (45) should be for rent and 23% (14) shared ownership. Regards should be given to the Adopted Housing Supplementary Planning Document (HSPD). The adopted HSPD seeks to secure affordable housing to accommodate the following: <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</li> </ul>

	<p>House type drawings should show a proposed layout to demonstrate the property meets the appropriate household size.</p> <p>The Council does not own any 2 bed bungalows and are in need of 4 bed properties in Syston.</p> <p>It is recommended that the S106 Agreement secures a number of 2 bed wheelchair accessible bungalows with level access shower and 4 bed houses for rent.</p> <p>In accordance with Policy HSPD8 the Affordable Housing should be distributed across the site in clusters of no more than 10 dwellings.</p>
<p>Leicestershire County Council – Highways Various dates</p>	<p>28<sup>th</sup> February 2022 Requesting additional time to consider the information submitted</p>
	<p>13<sup>th</sup> May 2022 Concern that the proposal is not considered together with HA1 and HA2. Updated speed survey requested. Request that TRICS analysis re-run. Request that traffic flow counts are undertaken at 5 named junctions up-stream from the site. Request that other committed sites in the vicinity are included in the traffic flow analysis on local network. Ask that applicant explore/develop options for sustainable transport provision. Travel plan coordinator to be appointed.</p>
	<p>3<sup>rd</sup> October 2022 Approve submission on visibility splays, satisfied with speed survey. Otherwise, further information requested.</p>
	<p>27<sup>th</sup> January 2023 Responding to additional information submitted – not yet satisfied. Requests further information, including a broadened sensitivity test to include allocated sites in addition to approved sites.</p>
	<p>24<sup>th</sup> March 2023 (email) Not satisfied with proposals submitted for off-site improvement at Goodes Lane/ Melton Road junction.</p>
	<p>13<sup>th</sup> April 2023 (email) Not satisfied with recent submissions. Applicant submitted additional information on 29<sup>th</sup> June 2023. At the date of writing, we await a response from the LHA. Any further commentary received will be described in an Extras Report</p>

	<p>Planning obligations:</p> <ul style="list-style-type: none"> <li>• Nothing formally requested.</li> <li>• Appellant includes a schedule of proposed Highway Obligations as App K to its Statement of Case.</li> </ul>
<p>Leicestershire County Council – Education (16/2/22) (Updated 20/7/23)</p>	<ul style="list-style-type: none"> <li>• <b>Early Years - £304,250.70 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Merton Primary School or at other schools or other early learning provision within the locality of the development.</li> <li>• <b>Primary School Sector – £679.172.00 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Merton Primary School or any other school within the locality of the development</li> <li>• <b>Secondary School Sector - £0 contribution</b> towards provision. Wreake Valley Academy has sufficient surplus capacity.</li> <li>• <b>Post 16 Sector</b> – It is confirmed that <b>no contribution</b> is required from this sector.</li> <li>• <b>Special needs School Sector – £110,074.44 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Ashmount School or any other school within the locality of the development improving capacity at SEN school.</li> </ul>
<p>Leicestershire County Council – Libraries (16/2/22)</p>	<p><b>£5,888.55 contribution</b> towards the enhancement of Syston Library.</p>
<p>Leicestershire County Council - Waste Management (3/3/22)</p>	<p><b>£10,075.65 contribution</b> towards HWRC at Mountsorrel.</p>
<p>Leicester, Leicestershire &amp; Rutland ICB Commissioning Group (NHS) (27/2/23)</p>	<p><b>£63,952.32</b> additional clinical accommodation for additional patients at The County Practice and The Jubilee Medical Practice, both based at Syston Health Centre. To be released prior to first occupation.</p>
<p>Charnwood Open Spaces (21/7/22) Updated (20/7/23)</p>	<p>Raises <b>no objection</b> subject to on-site/off-site contributions:</p> <ul style="list-style-type: none"> <li>• 0.66ha on-site accessible multi-functional green space area</li> </ul>



	<ul style="list-style-type: none"> <li>• 0.94ha on-site natural and semi-natural open space</li> <li>• On-site LEAP (Provision for Children), or £51,998 contribution to off-site provision at Chestnuts Play Area</li> <li>• On-site equipment/ facilities for Young People Local alongside LEAP or off-site contribution of £186,028</li> <li>• 1.22ha on-site, or £64,227 off-site contribution for Outdoor Sport facilities</li> <li>• 0.15ha on-site, or £22,020 off-site contribution for creation of additional allotments.</li> <li>• Off-site contribution to Indoor Sport of £88,566 toward swimming pools, plus £85,576 toward indoor courts, plus £12,636 toward indoor bowls rinks.</li> </ul>
Leicestershire County Council Mineral Planning Authority (8/3/22)	<b>No objections</b> in respect of mineral safeguarding.
Charnwood Borough Council Environmental Health (Updated 24/7/23)	<p><b>No objections</b> subject to conditions:</p> <ul style="list-style-type: none"> <li>• Scheme to identify and mitigate risk from ground gases, with remediation proposals to be submitted and approved prior to development.</li> <li>• Remediation scheme to be implemented.</li> <li>• Construction Management Plan to address air quality considerations during construction works.</li> <li>• The Construction Management Plan shall include: <ul style="list-style-type: none"> <li>• <i>details of site working hours;</i></li> <li>• <i>means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;</i></li> <li>• <i>measures to control and monitor construction noise;</i></li> <li>• <i>an undertaking that there must be no burning of materials on site at any time during construction;</i></li> <li>• <i>removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works; and</i></li> <li>• <i>contact details for the responsible person (site manager/office) who can be contacted in the event of any issue arising.</i></li> </ul> </li> </ul>
Charnwood Biodiversity (15/2/23)	<p>The Biodiversity Impact Assessment baseline is agreed and details of mitigation for anticipated net loss of biodiversity will be considered at Reserved Matters stage, via a S106 agreement.</p> <p>Conditions also recommended:</p>

	<ul style="list-style-type: none"> <li>• Submission of a CEMP to be approved prior to construction, and its measures implemented.</li> <li>• Clearance of hedgerows in the appropriate season.</li> <li>• A minimum of 8 bird boxes to be installed.</li> <li>• Bat protection measures, including submission of an appropriate lighting plan.</li> <li>• Artificial bat roost features to be fitted in at least 4 of the new buildings.</li> </ul>
Charnwood Conservation (2/8/23)	<ul style="list-style-type: none"> <li>• Archaeological assessment submitted not compliant with requirements of NPPF.</li> <li>• Does not concur with the conclusions in the submitted report that archaeological potential is low.</li> <li>• Field evaluation required, per para 194 of NPPF.</li> <li>• Use of planning conditions not sufficiently robust.</li> <li>• Recommends that further archaeological evaluation or impact assessment is sought, to include geophysical survey and trial trenching.</li> <li>• Suggests that it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application.</li> <li>• Says that these recommendations conform to the advice provided in DLUHC National Planning Policy Framework (NPPF) Section 16 paras 194 and 195.</li> </ul>

### Ward Councillor and Parish Council Response

Barkby and Barkby Thorpe Parish Council	<ul style="list-style-type: none"> <li>• Object for the following reasons:</li> <li>• Premature in respect of the emerging LDP.</li> <li>• Erosion of separation between Syston &amp; Barkby</li> <li>• Capacity of local services strained</li> <li>• Traffic</li> <li>• Piecemeal development</li> </ul>
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### Responses to publicity

From	Comments
11 letters of objection received from eight addresses	<ul style="list-style-type: none"> <li>• Queried veracity of submissions by applicant</li> <li>• Impact on sense of place</li> <li>• Traffic concerns</li> <li>• Impact on house prices</li> <li>• Concern for existing habitats</li> <li>• Loss of green separation between settlements</li> <li>• Overbearing</li> <li>• Development in the countryside</li> </ul>

	<ul style="list-style-type: none"> <li>• Accuracy of wildlife and habitats assessment</li> <li>• Flood risk</li> <li>• Development should be focused more on brownfield sites</li> <li>• Capacity of local services</li> <li>• Loss of privacy</li> <li>• Impact on views</li> <li>• Lack of investment in Syston's services</li> </ul>
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## 9. Consideration of the Planning Issues

- 9.1 Section 70(2) of the Town and Country Planning Act 1990 requires the decision taker to have regard to the development plan, so far as it is material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 9.2 The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 9.3 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance. There is no reason for these to be given reduced weight.
- 9.4 Amongst the material considerations are the emerging Charnwood Local Plan 2021-37 (ELP) and the National Planning Policy Framework (NPPF).

9.5 The main planning considerations applicable to this application are considered to be:

- Principle of Development
- Sustainable Location
- Housing Mix
- Landscape & Visual Impact
- Design & Layout
- Open Space
- Impact on Residential Amenity
- Ecology and Biodiversity
- Impact on Trees
- Land Contamination
- Heritage and Archaeology
- Highway Matters
- Flooding and Drainage
- Impact on Mineral Reserves
- Benefits of the Proposal
- Planning Obligations / S106 Contributions

### **Principle of the Development**

9.6 The principle of development is guided by local plan policy CS1 of the Charnwood Core Strategy (2015), which outlines the development strategy for the borough and the distribution of sustainable growth.

9.7 Policy CS1 defines a hierarchy of settlements for the Borough. Syston is in the third of five tiers, described as Service Centres. The Strategy aims to provide at least 3,000 new homes within and adjoining the Service Centres and aims to respond positively to sustainable development which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy. The site adjoins the limits to development of Syston to the western boundary, and therefore complies with policy CS1.

9.8 Saved Local Plan Policy ST/2 and Proposals Map of the Charnwood Local Plan identify Limits to Development for various settlements in the Borough. Policies CT/1 and CT/2 allow development outside the limits defined by ST/2 in very limited defined circumstances. Major housing development is not one of those developments permitted by CT/1. The proposal is therefore in conflict with policies CT/1 and ST/2.

- 9.9 The submitted Local Plan 2021-37 is a material consideration. The site is an emerging allocation for 195 new dwellings in the Charnwood Pre-Submission Local Plan 2021 – 2037 under Policy DS3, site reference HA3. That policy supports development proposals which are accompanied by a Flood Risk Assessment, and which make a financial contribution to the cost of part of a new primary school, to be located on site HA1. The submitted Local Plan supports housing development in this location and on this site.
- 9.10 The Planning Authority cannot currently demonstrate a 5-year supply of deliverable housing land (4.27 years on 1st April 2023). Footnote 8 in the NPPF, referencing its paragraph 11d advises that in such circumstances, where the proposal involves the provision of housing, the most important policies for determining the application are out-of-date. The policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The NPPF paragraph 11d guides decision makers to grant permission unless one, or both limbs of exception tests are satisfied.
- 9.11 NPPF paragraph 11(d)(i) relates to the protection of assets of particular importance, which are further defined by its footnote 7. These are generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets. The subject proposals are not affected by, nor cause negative affects to the types of assets described, and so the limb (i) exception is not satisfied.
- 9.12 The second exception, at 11d(ii) would require that “any adverse impacts of [granting permission] would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.” That tilted balance will be weighed at the conclusion of this report, having considered the relevant adverse impacts and benefits throughout this section of the report.

### **Sustainable Location**

- 9.13 At its policy CS17 the Core Strategy seeks to achieve a 6% modal shift from travel by private car to walking, cycling and public transport.

- 9.14 The walking distance from the centre of the site to Syston town centre is approximately 1200m, or 14 mins, via PRow J37, or around 1400m (16 mins) via the proposed vehicular entrance. These routes are also suitable for cycling, with journey times of around 5 minutes. The nearest bus stops are just over 300m from the site entrance, or 500m from the centre of the site. The bus route is Centrebus 100, which runs only a handful of services per day. Policy CS17 requires new or enhanced bus services where the new development is more than 400m from an existing bus stop.
- 9.15 Policy CC5 in the ELP shares the ambition of CS17 to shift from car to sustainable means of transportation, and to seek enhancements to bus services. This policy can be afforded moderate weight. Representations to this policy were discussed at hearing session in June 2022 and modifications to the policy agreed. It is consistent with NPPF paragraphs 104, 105 and 106.
- 9.16 Policy CS24 provides for financial contributions from developers toward the delivery of “essential infrastructure”, which in this case might include enhancement of the public transport provision. Its successor policy in the ELP, INF1 can only be afforded limited weight at this date, given the extent of unresolved representations.
- 9.17 The ELP identifies Syston as being within the “Leicester Urban Area”. This urban area is considered to be the most sustainable location for development, with 38% of housing allocations to be directed (emerging policy DS1 and LUA1). These policies can only be afforded limited weight at this date, given the extent of unresolved representations.
- 9.18 Syston town centre offers a wide variety of services, including everyday provisions. Public transport, from bus stops on Melton Road, and around a 15 minute walk from the site offer frequent routes to Leicester, Melton Mowbray and East Goscote. Whilst the 100-bus service passing the site is currently infrequent, the applicant has expressed a willingness to make a financial contribution toward enhancement of that service. The Merton Primary School is within a 15-minute walk from the site entrance. Overall, with enhancements to the bus service which can be secured by planning agreement, this proposal is thought to be at a sustainable location.

## Housing Mix

- 9.19 Policy CS3 (Affordable Housing) of the Core Strategy outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 30% of the units should be affordable homes to meet local needs. Similarly, paragraph 63 of the NPPF also allows for affordable housing contribution on major development sites of 10 or more dwellings.
- 9.20 Policy H1 (Housing Mix) in the ELP will seek a mix of house types, tenures, and sizes to meet the needs of the Borough. Policy H2 (housing for Older People and People with Disabilities) will seek a provision of at least 10% of new market homes to be compliant with the appropriate building regulations on accessibility and adaptability. Policy H4 (Affordable Housing) in the ELP will replace the tiered percentage provision expressed in CS3 with a flat requirement for 30% affordable housing across the Borough, with 67% of those being affordable for rent and 33% being affordable for ownership. These ELP policies can only be afforded limited weight at this date, given the extent of unresolved representations.
- 9.21 The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be detailed. These policies generally accord with the NPPF and do not frustrate 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 them.
- 9.22 The Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

<b>Affordable social /affordable rented</b>	
1 bed	35%
2 bed	35%
3 bed	25%
4+ bed	5%
<b>Affordable home ownership</b>	
1 bed	20%
2 bed	40%
3 bed	30%
4+ bed	10%
<b>Market</b>	
1 bed	5%
2 bed	30%
3 bed	45%
4+ bed	20%

- 9.23 The delivery of 195 dwellings is a benefit to be weighed later in this report. Similarly, the delivery of 30% of those, or 59 dwellings as affordable homes is a benefit.
- 9.24 The proposal is capable of delivering affordable homes, in accordance with policies CS3 and H4 and this will be secured via a Section 106 Agreement. The detailed mix will be described in that agreement.

### **Landscape and Visual Impact**

- 9.25 The application is supported by a Landscape and Visual Impact Assessment (LVA) prepared by the Environmental Dimension Partnership. It considers the effects of the proposal in visual and landscape terms from a series of receptors, and against a range of policy and guidance publications. It is considered that the methodology described is appropriate.
- 9.26 The site is situated in the Wreake Valley Landscape Character Area (LCA). The LVA references the guidance for development in the LCA, including having retaining views of the village churches, use of locally native species, enhancement of the landscape character by use of tree cover around the fringes of settlements.
- 9.27 The landscape and visual sensitivities have influenced the scheme design in three ways. Firstly, the eastern boundary alongside Queniborough Road is to be enhanced with a 10m woodland belt. Along the southern boundary, where existing roadside vegetation will need to be removed around the access is to have any retained sections of hedge enhanced, and with new tree planting. Tree planting along the northern boundary of the site to filter and soften views of the development in views from the north, whilst incorporating a framed view across the development to retain a view towards Barkby church spire from public footpath 184 between Queniborough and Syston. The landscape strategy is illustrated on "Plan EDP L8: Landscape Strategy", with drawing number "edp4685\_d032a" (shown below).



Figure 3 - Landscape Strategy Plan



9.28 In the LVA's assessment of the effects on the character of the site, upon the character of the site's surroundings, and upon visual amenity it fairly assesses those harms in a range from negligible to major adverse. Unsurprisingly the most affected viewpoint is from the PRoW as it passes along the site boundary. The impact from most of the viewpoints were negligible to moderate/minor. The landscape strategy has illustrated how impact can be minimised.

9.29 The site is proposed to be allocated for housing in the emerging Local Plan and so the site was assessed in the SHLAA sites assessment 2019 (site PSH441). The site is relatively flat arable farmland which does not contain Priority Habitat Inventory vegetation. The Historic Landscape Character indicates that the site is strongly influenced by the wider agricultural setting, lying within land use defined as Re-organised Piecemeal Enclosure. Views extending south to the spire of the Church of St Mary are mentioned. The site does not make a significant contribution to the setting of any nearby heritage features. The site does not make a significant contribution to the sense of separation between Syston and neighbouring settlements.

- 9.30 The limited extent of adverse effect on both landscape and visual receptors together with retention and enhancement of green infrastructure and provision of public open space within the proposal would result in the development being acceptable in both landscape and visual terms.
- 9.31 Policies CS2 (Design) and CS11 (Landscape) of Charnwood Core Strategy are concerned with protecting the landscape and ensuring new development does not result in visual harm. These policies generally accord with the National Planning Policy Framework and do not directly impact on 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 them.
- 9.32 Policy DS5 (High Quality Design) can be afforded moderate weight, given that there are no unresolved representations, and its consistency with NPPF paragraph 130. Policy EV1 (Landscape) can be afforded moderate weight, given the nature and hearing of representations, and its consistency with NPPF paragraphs 20 and 130.
- 9.33 The approach taken to assessment of landscape and visual impact is sound, and the landscape strategy submitted in response to that assessment is compliant with the policy objectives of CS2, CS11, DS5 and EV1 from a landscape perspective.
- 9.34 That landscape strategy is also considered to satisfy CS12 (Green Infrastructure) policy objectives.

### **Design and Layout**

- 9.35 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 which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do not frustrate 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 them.
- 9.36 The submitted illustrative masterplan has been informed by the LVA and the landscape strategy which flowed from that. The vehicular entrance position is limited by the need to create a right-turn lane, and by separation from existing junctions. The existing perimeter boundary hedges are to be retained and enhanced, particularly along the eastern and northern boundaries. The existing field boundary hedge crossing the site is retained, and the route of the PRow as it passes through the site is to be protected from development by a landscape corridor.

- 9.37 The internal roads layout shows a hierarchy of routes off the main spine road. That spine terminates in a T junction near the northernmost boundary. Low status roads and pedestrian links illustrate permeability. The PRoW, where it extends through the site's boundaries to the east and west extends that pedestrian permeability close to the rear of the site, such that all movement on foot or cycle need not pass through the main site entrance. A significant degree of separation between the car and the pedestrian is achievable.
- 9.38 A large area of publicly accessible open space is illustrated along the site's western boundary, midway between front and back of the site. It coincides with open space in the adjacent development to the west of the site. The combined areas of open space can make a meaningful contribution to the sense of openness. Other pockets of open space, landscape buffers and attenuation ponds are appropriately sited.
- 9.39 The proposal is considered to be compliant with policies CS2, CS11 and CS13 of Charnwood Core Strategy, EV/1 of Local Plan and the Charnwood Design SPD.
- 9.40 Policy DS5 (High Quality Design) in the ELP will require new developments to make a positive contribution to Charnwood. It lists six tests of quality, which are very similar to the policy tests in CS2. Policy EV1 (Landscape) in the ELP requires new development to protect landscape character and to reinforce a sense of place and local distinctiveness. The design and layout would be compliant with policies DS5 and EV1 of the ELP, both of which can be afforded moderate weight.
- 9.41 At the time of writing Policies H1 to H4 in the ELP carry limited weight, but that may change before the decision is made in this case. Policy H1 (Housing Mix) will seek a mix of housing types, tenures and sizes which meet the most up to date evidence of housing need. Policy H2 (Housing for Older People and People with Disabilities) in the ELP will seek at least 10% of market homes to meet the Building Regulations part M4(2) for accessibility and adaptation, together with an appropriate proportion of affordable homes. Some may also need to comply with Part M4(3) standards for being suitable for wheelchair users. H3 will require compliance with national space standards. H4 will set a Borough wide percentage of affordable housing for greenfield sites.

## **Impact on Trees**

- 9.42 Policies CS2 and CS11 of the Core Strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. These policies generally accord with the National Planning Policy Framework and do not conflict the supply of housing.
- 9.43 The application is supported by an Arboricultural Impact Statement which identifies trees to be retained on a Tree Removal and Retention Plan. The proposals are proportionate and appropriate, with only trees of poor quality and value to be removed. The site is not affected by any tree protection orders. This plan should be added to the list of decision documents within the planning conditions.
- 9.44 Consequently, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS11 (Landscape and Countryside) and Policy CS2 (High-Quality Design). Policy EV7 (Tree Planting) in the ELP seeks to retain existing trees where possible and the see new tree planting provided on site. The proposals comply with those policy objectives. Policy EV7 can be accorded moderate weight at this date, given the stage reached with representations to it, and that it is consistent with paragraphs 131 and 174 of the NPPF.

## **Ecology and Biodiversity**

- 9.45 The application is supported by an Ecological Appraisal which is informed by desktop research and by extended Phase 1 Survey and by a Detailed Phase 2 Survey. The key ecological features / receptors pertinent to the development proposals were summarised as:
- Farmland breeding birds: assemblage of Local level importance;
  - Bat roost potential in three trees on-site;
  - Bat foraging / commuting: moderate bat assemblage of Local level importance;
  - No evidence of current presence of badgers, but potential for new setts to be built onsite prior to commencement of development.
  - Potential occasional presence of grass snake on-site, Site-level importance; and
  - Presence of a hedgehog, Site-level importance.

- 9.46 This appraisal was supported by a biodiversity baseline assessment, in the standard Excel spreadsheet format. 9.44 The Council's Ecologist has confirmed that the baseline assessment is acceptable, and that the predicted Biodiversity Net Gain is achievable, based on the landscape strategy. It is acknowledged that this is an outline planning application and so the detailed landscaping proposals will need to be assessed at a later stage. Ecological mitigation and off-site compensation (if necessary) could be satisfactorily addressed by detailed measures secured as part of a detailed reserved matters application and secured and agreed through obligations as part of a S.106 Legal Agreement. Planning conditions are recommended (see consultation responses tabulated earlier in this report).
- 9.47 Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. 9.46 The proposal, subject to the required obligations in the S106 Legal Agreement, imposition of planning conditions and detailed design/mitigation at reserved matters application, is considered acceptable and would comply with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.
- 9.48 Policy EV6 (Conserving and Enhancing Biodiversity and Geodiversity) will succeed policy CS13, and shares its objectives. Policy EV6 can be accorded moderate weight at this date, given the stage reached with representations to it, and that it is consistent with paragraphs 131 and 174 of the NPPF.

### **Open Space**

- 9.49 Policy CS15 of the Core Strategy seeks to ensure adequate open space is provided to serve the needs of new development. This policy generally accords with the NPPF 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.
- 9.50 The Council's Open Space team have raised no objections subject to the open space indicated on the indicative layout plan following good design principles to create a space that is visually attractive and encourages active lifestyles. A planning obligation can be imposed to secure on-site open space provision including natural and amenity green space and equipped play areas.
- 9.51 The requirement for open space is consistent with CS Policy CS15. The amount of space required is consistent with the findings of the Council's Open Space Assessment and Playing Pitch Strategy. Consequently, the proposal is considered to comply with policy CS15 of the Development Plan.

9.52 Emerging Policy EV9 (Open Spaces, Sport and Recreation) of the draft Local Plan will succeed policy CS15 and shares its objectives. The proposal satisfies those objectives. Policy EV9 can be accorded moderate weight at this date, given the stage reached with representations to it, and that it is consistent with paragraphs 84, 93,98 and 99 of the NPPF.

### **Impact on Residential Amenity**

9.53 Policies CS2 of the Core Strategy and EV/1 of the Local Plan seek 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. Saved policy EV/1 of Local Plan and policy CS2 of Core Strategy require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers.

9.54 The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.

#### *Existing properties*

9.55 11 objections have been received from members of the public, from eight different addresses. Only one of these addresses is adjacent to the application site, and that objection does not cite any aspect of residential amenity. The site abuts existing development to the west. but the existing dwellings are separated from the party boundary by landscape belts or open space. The masterplan illustrates one area where back to back relationships between existing and proposed dwelling could arise, and there is an established landscape buffer along the backs of the existing houses in that context.

9.56 In the planning judgement of this officer the application as presented has satisfactorily addressed the potential for harm to the residential amenity of its neighbours. Any future reserved matters application would have to demonstrate how the proposal would not cause any harm to residential amenity by reasons of overlooking, overshadowing or overbearing impact.

#### *Future occupants*

9.57 At the density illustrated on the application plans, and based on the indicative layout, it will be possible for the applicant to offer future occupants adequate amenity space.

- 9.58 Policy H3 (Internal Space Standards) in the ELP seeks that new developments comply with nationally described space standards for dwellings. This policy is the subject of unresolved representation, and so can be afforded limited weight. It is consistent with paragraph 130 of the NPPF.
- 9.59 The proposal has demonstrated that a scheme for 195 dwellings could comply with the provisions of policies CS2 of Charnwood Core Strategy and EV/1 of Local Plan along with NPPF, National Design Guidance and the guidance set out in the Design SPD to protect residential amenity, subject to detailed layout and design being finalised at reserved matters stage.
- 9.60 ELP Policy DS5 (High Quality Design) will succeed policy CS2 and shares its objectives. The proposal satisfies those objectives. Policy DS5 can be accorded moderate weight at this date, given the stage reached with representations to it, and that it is consistent with paragraphs 130 of the NPPF.

### **Heritage Assets & Archaeology**

- 9.61 The application was supported by an Archaeological and Heritage Assessment. The methodology included desktop research and site walk-over. No designated assets exist on, or adjacent to the site. There are seven listed buildings within 1km of the site, all located within Syston Conservation Area, which is itself almost 1km west of the site. The proposed development will not result in an adverse impact on, harm to, or loss of significance from any of the identified designated heritage assets, either in terms of an effect on their physical fabric or through changes to their wider setting.
- 9.62 The only locally listed asset relevant to this assessment is Syston Grange Farmhouse and Barns, which are situated south-east of the site, beyond the traffic lighted junction. The application site is not thought to form part of its setting.
- 9.63 The applicant's archaeologist considers that there is low potential to encounter archaeological remains from the prehistoric, Roman and early medieval periods within the site. Medieval and later activity is likely to be represented by nothing more than 'low value' features such as buried furrows, plough soils and former boundaries. The specialist report argues that no further assessment of the archaeological potential is necessary, and they support that argument by reference to an email exchanged with the council's Team Leader on Natural and Built Environment.

- 9.64 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.65 The submitted assessment of the potential heritage and archaeological harm has been reviewed by the council's specialist consultee. They disagree with the conclusion in the submitted report that the archaeological potential is low. The records of archaeological evidence for prehistoric activity in the vicinity of the site, and some of the evidence recorded from field walking across the site suggest at some potential. The work described in the submitted report was undertaken in 2003, and industry standard methodology has improved in the interim.
- 9.66 Paragraph 195 of the NPPF says "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, **where necessary, a field evaluation**". In this case that field evaluation is considered to be necessary. It should include geophysical survey, followed by targeted trial trenching to identify any archaeological remains, and to make appropriate recommendations for mitigation.
- 9.67 Planning policy CS14 (Heritage) seeks that development will conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting. While the archaeological potential of the site remains unsatisfactorily considered, the proposal is in conflict with CS14.
- 9.68 ELP Policy EV8 (Heritage) will succeed policy CS14 and shares its objectives. The proposal conflicts with those objectives. Policy EV8 can be accorded moderate weight at this date, given the stage reached with representations to it, and that it is consistent with paragraphs 20 and 190 of the NPPF.



## Highway Matters

- 9.69 Policies CS2 and CS18 of the Core Strategy and saved policy TR/18 of the Local Plan seek to ensure safe access is provided to new development and policy CS17 of the Core Strategy is concerned with encouraging sustainable transport patterns. 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 them. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Paragraph 112 of the NPPF seeks to promote sustainable travel choices.
- 9.70 Similarly, policies in the ELP seek to promote high quality design (DS5 moderate weight), to deliver sustainable development (LUA1 – limited weight), appropriate car parking standards (T3 – limited weight), sustainable transport (CC5 – moderate weight), contributions toward infrastructure costs (INF1 – limited weight) and consideration of the local and strategic road network (INF2 – limited weight).
- 9.71 The local highway authority (LHA) has been consulted about the proposals and has not yet been satisfied that all of the relevant considerations have been satisfactorily addressed.
- 9.72 In a consultation response dated 3rd October 2022 the LHA discusses options around public transportation. Whilst the site is served by bus-stops on route 100 there are only four return journeys per day Monday to Saturday. The applicant had been engaged with Arriva Click, but the LHA concludes that a preferable option would be support for an enhanced 100 service. Whilst constructive discussions had continued about the quantum, timing and potential cost sharing with other application sites and allocated sites, the LHA has not expressed support for a public transport solution.
- 9.73 Whilst the walking distance to the town centre is more than 800m the LHA regard this as a reasonable walking distance and an option for some residents.
- 9.74 Whilst this is an outline planning application, access is to be considered in detail.
- 9.75 The form of priority junction appropriate to the application site, and the traffic which it will generate, is a priority junction, with a right-turn lane into the site. The applicant has submitted revised drawings in response to LHA comments, but in the latest formal response LCC Highways was not satisfied that the access geometry shown on drawing 20060-02-2 Rev D had complied with the relevant guidance.

- 9.76 The application site is allocated for residential development in the ELP. Similarly, the lands directly opposite the site, on the other side of Barkby Road are allocated for housing, with an indicative capacity for 960 homes, identified as HA1. Some of the traffic from HA1 would take its access from Barkby Road. In order to ensure that the HA1 allocation is not sterilized the LHA asked the applicant to table an access arrangement which would be appropriate to all of the potential traffic from HA1 and the application site. The solution presented (drawings 20060-06 and 20060-06-2) is a roundabout, with 4 exits: two for the existing Barkby road, and one each for the development sites. In their consultation response dated 27th January 2023 LCC Highways was satisfied with a roundabout as a future solution, but not satisfied with the design shown. The LHA does not request that the roundabout is built in order to access the application site. Rather they hope to ensure that sufficient land is set aside at the entrance to the application site in order to facilitate the construction of that roundabout if HA1 is to be developed.
- 9.77 Additionally, the LHA asked the applicant to consider the impact on a series of downstream junctions of the additional traffic generated by the application site, and by other committed sites and sites allocated for housing in the ELP. In their consultation response in January 23 the LHA was partially satisfied with junction capacity assessments for 6 downstream junctions, in respect of 3 identified committed sites in addition to the application site and HA1. They asked for a sensitivity test which would additionally consider the cumulative impacts of all the draft allocation sites in the draft ELP, which will include sites in Syston and Queniborough in particular.
- 9.78 The applicant has subsequently submitted further information, meetings between the applicant's team, the case officer and the LHA have taken place, and the LHA has offered further emailed feedback on 13th April. Copied from that email:

*To provide further advice to CBC (either condition or contribution) we will need to see evidence of site specific schemes i.e. detailed design (taking on board any previous LHA comments), supporting junction modelling, RSA and Designer's Response for the following junctions:*

- *High Street/Melton Road/Barkby Road;*
- *Goodes Lane/Melton Road (taking into consideration the LHA's design comments); and*
- *Fosse Way/High Street*

*This site specific mitigation is considered necessary to make the development acceptable, alongside a wider highway and transport contribution as identified in the CBC emerging Local Plan*

- 9.79 The applicant submitted further information on 29th June 2023, but the LHA had not commented on this additional information before the non-determination planning appeal was submitted on 13th July, nor before the date of this report.
- 9.80 Consequently, the proposed development is considered to conflict with Policies CS2 (Design), CS17(Sustainable Travel), CS18(Road Network) and CS24 (Delivering Infrastructure) of the Core Strategy and saved policy TR/18 of the Local Plan. Without satisfying the competent local highway authority that the proposed access is safe, and that the impact of the traffic generated by this development has not been adequately mitigated at downstream junctions, and without agreement with the County Council about the nature of a planning agreement which could address some of the travel and transportation matters, the local planning authority cannot recommend approval of permission.
- 9.81 Similarly, policies in the ELP which seek to promote high quality design (DS5 moderate weight), to deliver sustainable development (LUA1 limited weight), appropriate car parking standards (T3 limited weight), sustainable transport (CC5 moderate weight), contributions toward infrastructure costs (INF1 limited weight) and consideration of the local and strategic road network (INF2 limited weight) have not been satisfied. The proposal is in conflict with each of these policies.

### **Land Contamination**

- 9.82 Phase 1 Ground Conditions Assessment has been submitted as part of the supporting information. The results include an identified potential risk of ingress of ground gases into buildings. Gas protection measures could mitigate the risk. Such measures should be the subject of a planning condition which requires submission of proposals, and approval by the LPA.
- 9.83 On the basis set out above Environmental Health have raised no objections subject to imposition of a planning condition for a ground gas mitigation and verification strategy.
- 9.84 Consequently, with the imposition of conditions, the proposed development accords with relevant policies in the Core Strategy, particularly Policy CS2 and CS16 of Charnwood Core Strategy, Policy EV/1 of Local Plan and NPPF.

### **Flood risk and drainage**

- 9.85 The development is situated within Flood Zone 1 and being at low risk of fluvial flooding and a high risk of surface water flooding in the northwest part of the site.

- 9.86 The site is proposed to be split into 4 sub-catchments with their own outfall and attenuation. The proposals seek to discharge at a total of 36.6 l/s via dry detention basins to the on-site watercourse. The individual sub-catchment discharge rates and attenuation volumes have been itemised on the drainage strategy plan. To prevent increasing flood risk outside the site boundary it is proposed that a flow control is constructed where the watercourse leaves the development although it is not explained why this is required if new development discharge is limited to  $Q_{bar}$ . The Flood Risk Assessment does not mention historical flooding at the site to justify this.
- 9.87 To support the proposals, the applicant has commissioned a pluvial flood modelling due to the aforementioned high surface water flood risk according to the Environment Agency's RoFfSW map. The conclusions of this report are that the RoFfSW maps results of exceedance are broadly accurate and that development will not exacerbate flood risk across third-party land and will reduce the peak flow leaving the site due to the in-watercourse flow control.
- 9.88 Recommendations are for an emergency spillway at the site's western boundary, should the watercourse overtop. The applicant has submitted a revised modelling study document including an assessment of JBA Consulting's model methodology, carried out by BWB Consulting. The initial check of the model found some discrepancies however a second check has resolved these. However, some elements of the model will be dependent on the outcomes in detailed design. Due to this application being outline, this is advised to be acceptable at this stage.
- 9.89 The Lead Local Flood Authority have raised no objections subject to imposition of pre-commencement planning conditions in relation to detailed surface water drainage scheme, infiltration testing, management and long-term maintenance of surface water drainage system.
- 9.90 Consequently, subject to the conditions, the proposal is considered acceptable having regard to Policy CS16 of Charnwood Core Strategy and NPPF.

9.91 ELP Policy CC1 (Flood Risk Management) and Policy CC2 (Sustainable Urban Drainage Systems) require that development proposals are assessed for their risk of being flooded, and the risks arising from the proposals themselves. I am satisfied that the submitted FRA has addressed the requirements of these policies adequately, and that the proposals are compliant with the policies. Policy CC1 can be afforded limited weight at this date. The Examination Inspectors have requested further submissions following publication of the PPG on Flood Risk and Coastal Change published in August 2022. Policy CC2 can be afforded moderate weight. The discussions on representations to that policy have concluded, and the policy is consistent with NPPF paragraphs 167 and 169.

### **Impact on mineral resources**

9.92 In their consultation response dated 8th March 2022 LCC Minerals recorded that the site was allocated for housing in the ELP that it had been previously considered in the preparation of that Plan. The ELP considered the prevention of unnecessary mineral sterilisation when allocating its sites. The proposed development therefore falls within Table 4 of the Leicestershire Minerals and Waste Local Plan (LMWLP) and therefore the development is exempt from safeguarding as detailed within Policy M11 of the Leicestershire Minerals and Waste Local Plan (LMWLP). They do not object to the proposed development.

9.93 Consequently, the proposed development would not be in conflict with Policy M11 of the Leicestershire County Council Minerals and Waste Local Plan (2019). Furthermore, it is considered that the proposed development would not be in conflict with the relevant provisions of the National Planning Policy Framework, notably Paragraph 210.

9.94 However, the ELP is not yet adopted, and so the exemption noted in the consultation response cannot be determining. Unless, or until the application site is adopted as a development site, the proposal would be in conflict with policy M11 of the LMWLP.

### **Sustainable construction and energy efficiency**

9.95 The applicant describes a series of sustainable construction measures which could be adopted in the design of buildings, engineering and construction of the development. These include improved energy efficiency through siting, design and orientation; sustainable urban drainage systems; consideration of fabric efficiency in buildings; use of recyclable building materials; construction waste reduction.

- 9.96 At this stage the applicant has demonstrated that sustainable measures can be used, and this can be secured at reserved matters stage. The proposal in the interest of air quality and climate change would comply with policy CS16 of Charnwood Development Plan.
- 9.97 ELP Policy CC3 (Renewable and Low Carbon Energy Installations) and CC4 (Sustainable Construction) can be afforded moderate weight. The discussions on representations to these policies have concluded Policy CC3 is consistent with NPPF paragraphs 152, 155, 16, and 158. Policy CC4 is consistent with paragraph 157 of the NPPF.

### **Benefits of the proposal**

- 9.98 In the context of paragraph 11d(ii) being engaged it is necessary to consider the benefits of the proposal, in order to weigh those against adverse impacts later in this report. In this section I simply list the benefits, without applying weight. Some of the benefits of this development, if completed, would be:
- The provision of affordable housing
  - The provision of market housing
  - Construction phase employment
  - Contribution from completed housing to the local economy in the long term
  - Publicly accessible open space
- 9.99 Other benefits commonly claimed by applicants, such as landscaping around the site boundaries to countryside, are regarded as mitigation measures rather than benefits. Local taxation is similarly a mitigation against the additional draw on public resources, but there is no guarantee that such householder taxation would be spent on local services.

### **Planning Obligations/ S.106 Agreement**

- 9.100 Infrastructure Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy require 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. ELP Policies DS3 (limited weight) DS5 (moderate), LUA1 (limited), SC1 (moderate), H1 (limited), H2 (limited), H4 (limited), CC1 (limited), CC2 (moderate), CC3 (moderate), CC4 (moderate), EV6 (moderate), EV7 (moderate), EV9 (moderate), EV11 (moderate) and INF1 (limited) also require the delivery of relevant infrastructure.

9.101 As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development, with those which do not satisfy the CIL Regulations omitted:

<p>Affordable Housing (21st March 2022)</p>	<p>In accordance with Policy CS3 of the Core Strategy the Applicant is required to provide 30% (59) of the dwellings as Affordable Dwellings. Of the 59 Affordable Dwellings 77% (45) should be for rent and 23% (14) 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</li> </ul> <p>It is recommended that the S106 Agreement secures a number of 2 bed wheelchair accessible bungalows with level access shower and 4 bed houses for rent. In accordance with Policy HSPD8 the Affordable Housing should be distributed across the site in clusters of no more than 10 dwellings.</p>
<p>Charnwood Borough Council Open Space (25th July 2022)</p>	<ul style="list-style-type: none"> <li>• 0.66ha on-site accessible multi-functional green space area.</li> <li>• 0.94ha on-site natural and semi-natural open space.</li> <li>• On-site LEAP (Provision for Children).</li> <li>• On-site equipment/ facilities for Young People Local alongside LEAP or off-site contribution of £186,028.</li> <li>• 1.22ha on-site, or £64,227 off-site contribution for Outdoor Sport facilities.</li> <li>• 0.15ha on-site, or £22,020 off-site contribution for creation of additional allotments.</li> </ul>
<p>Sustainable Transport</p>	<ul style="list-style-type: none"> <li>• Whilst discussions have been ongoing between the applicant, the LPA and the LHA an</li> </ul>

	agreed approach has not been reached at the date of writing.
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS) (26th July 2022)	<b>£69,952.32</b> additional clinical accommodation for additional patients at the County Practice, and the Jubilee Medical Practice, both based at Syston Health Centre
Leicestershire County Council Library Services (11th March 2022)	<b>£5,890</b> contribution towards the enhancement of Syston Library
Leicestershire County Council Waste management (3rd March 2022)	<b>£10,076</b> is required to contribute towards waste management at the HWRC at Mountsorrel.
Leicestershire County Council – Education (16/2/22) (Updated 20/7/23)	<p><b>Early Years - £304,250.70 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Merton Primary School or at other schools or other early learning provision within the locality of the development.</p> <p><b>Primary School Sector – £679.172.00 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Merton Primary School or any other school within the locality of the development</p> <p><b>Secondary School Sector - £0 contribution</b> towards provision. Wreake Valley Academy has sufficient surplus capacity.</p> <p><b>Post 16 Sector</b> – It is confirmed that <b>no contribution</b> is required from this sector.</p> <p><b>Special needs School Sector – £110,074.44 contribution</b> towards provision, improvement, remodeling or enhancement of education facilities at Ashmount School or any other school within the locality of the development improving capacity at SEN school.</p>

9.102 The Emerging Local Plan identifies a location within allocation site HA1 for the delivery of the new school. That site is not yet the subject of a planning application, and so there is no certainty about the delivery of the new school, or its timing.



- 9.103 Whilst the Open Space consultee offers an option to site the LEAP facility off-site, the site is large enough to be able to accommodate that provision on-site. The consultee recommendation for provision for Young People is left unchanged. It may be preferable to locate the relevant provision elsewhere, particularly if the adjacent allocated sites HA1 and HA2 are brought forward.
- 9.104 These contributions are considered to be CIL compliant and would allow the necessary infrastructure to meet policies CS3, CS13, CS15, CS17 and CS24 and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 57 of the NPPF.

## **10. Consideration and Planning Balance**

- 10.1 Section 70(2) of the Town and Country Planning Act 1990 requires the decision taker to have regard to the development plan, so far as it is material to the application.
- 10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 10.3 Recognising the primacy of the extant development plan(s) in the consideration of this development proposal, I begin by assessing the degree to which the proposal is compliant with, or in conflict with the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), and the Minerals and Waste Local Plan (2019).
- 10.4 The proposal conflicts with policies CT/1 and ST/2 from the saved 2004 policies. It is acknowledged that these policies are out of date, in that the council cannot demonstrate a 5-year deliverable housing land supply, but that is not to say that they carry no weight.
- 10.5 The consultation response from the Minerals planners in the LCC Planning, Historic and Natural Environment department identifies the site as being within a minerals safeguarding area. It goes on to apply an exception to that safeguarding in the assumption that the site is allocated for development in a development plan. Whilst it is an allocated site in a draft development plan, it does not yet benefit from the exception. Therefore, the proposal is in conflict with minerals Policy M11.

- 10.6 Whilst the submitted archaeological assessment suggests that the site has a low archaeological potential the council's expert disagrees. It is the council's opinion that the applicant has failed to satisfy the requirements of Chapter 16 of the NPPF, and in particular paragraphs 194, 195 and 203, and that field evaluation is necessary. Therefore, the proposal is in conflict with Policy CS14 in the Core Strategy and Policy EV8 in the emerging local plan.
- 10.7 LCC Highways has not been persuaded that the proposals represent an appropriate design solution. They have not approved the design tabled for site access. They are not satisfied that off-site junction improvements tabled thus far are adequate to address the traffic generated by the proposed development, when considered alongside other committed development. Similarly, the LHA is not satisfied that the sensitivity analysis requested has been completed to demonstrate that the design of the access for this site would not prejudice the delivery of other development sites. The proposed development is therefore considered to be in conflict with Policies CS2 (Design), CS17 (Sustainable Travel), CS18 (Road Network) and CS24 (Delivering Infrastructure) of the Core Strategy and saved policy TR/18 of the Local Plan.
- 10.8 Amongst the key material considerations are the emerging Charnwood Local Plan 2021-37 submitted for examination in December 2021, and the National Planning Policy Framework 2021.
- 10.9 The emerging local plan identifies the application site as HA3, a housing allocation site, within its Policy DS3. However, the policy carries limited weight. Whilst it is consistent with paragraph 65 of the NPPF it has a number of unresolved representations.
- 10.10 The highways issues described elsewhere are in conflict with ELP policies which seek to promote high quality design (DS5 moderate weight), to deliver sustainable development (LUA1 limited weight), appropriate car parking standards (T3 limited weight), sustainable transport (CC5 moderate weight), contributions toward infrastructure costs (INF1 limited weight) and consideration of the local and strategic road network (INF2 limited weight) have not been satisfied.
- 10.11 As the ELP makes its way through the stages in the process toward adoption it's policies may gain weight. The plan is at an advanced stage, with hearing sessions now concluded. The Local Development Scheme, published in April 2023 anticipated that the ELP would be adopted in September 2023. A lacuna during the pre-election period leading up to the May local elections has delayed that process, and so the turn of the year seems a more likely adoption date.

- 10.12 The National Planning Policy Framework (2021) defines a presumption in favour of sustainable development at its paragraph 11. Paragraph 11d requires decision takers to grant planning permission in circumstances where the most important policies for determining the application are out of date. Footnote 8 tells us that for proposals involving the delivery of housing those policies would be out-of-date if the local planning authority cannot demonstrate a five-year deliverable housing land supply. Charnwood Borough Council can only demonstrate a 4.27 year supply, and so the policies most important for determining this application are out of date.
- 10.13 There are two exceptions to the consequent requirement to granting of permission. The first relates to the protection of areas or assets where there is a clear reason for refusing the development proposed. In this case, that limb (i) is not satisfied. The second exception, described in paragraph 11dii, is that any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
- 10.14 The adverse impacts of the proposal, being those aspects of this report which conflict with policy are those relating to development beyond the defined limits of Syston, failure to safeguard a mineral reserve, highway safety, and the consequent inability to agree upon appropriate contributions toward infrastructure. Whilst the “tilted balance” described in 11d(ii) might outweigh the restriction imposed by the limits of development, and the minerals safeguarding, it cannot outweigh the considerations around road safety and related contributions to sustainable travel.
- 10.15 The benefits described in section 9 are reduced in weight in circumstances where the granting of planning permission is very close in time to the adoption date of the emerging local plan. The granting of outline planning permission does not, by itself satisfy the definition of deliverability in the glossary to the NPPF. A further step would need to be taken, by which time the ELP is likely to have been adopted. The contribution to a housing supply shortfall would, by then be redundant.
- 10.16 In this case, the conflict with highway related policies is an adverse impact which, by itself, outweighs the benefits. The exception of 11d(ii) is satisfied, and the tilted balance, at the date of writing, is not sufficiently compelling to merit a recommendation of approval.
- 10.17 In the event that the local highway authority was satisfied with the proposals before them now, or as evolved during the course of the processing of the non-determination appeal, that consideration of the tilted balance might change, and the recommendation which follows might alter.

## 11. RECOMMENDATION

### Recommendation A:

#### 11.1 Refuse planning permission for the following reasons:

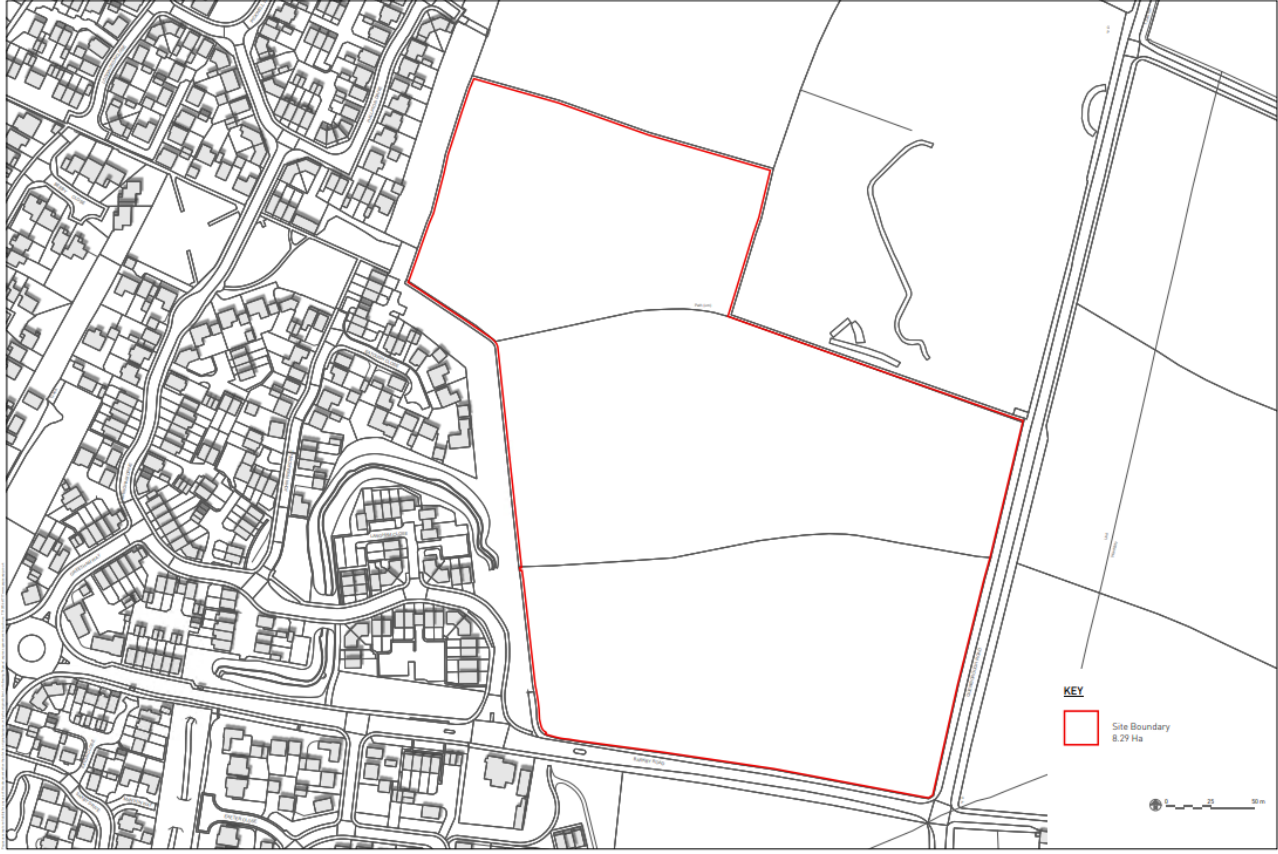
1	The proposed development is on land which sits outside the limits to development for Syston identified on the Borough of Charnwood Local Plan 1991-2006 Proposals Map, adopted January 2004, and within Countryside. The form of development proposed does not fit with the exceptions defined in the Charnwood Local Plan (2004) and is therefore in conflict with its policies ST/2, CT/1 and CT/2.
2	The application site is within a Mineral Safeguarding Area, as defined in "Mineral and Waste Safeguarding, Charnwood Borough, Document S2/215" published December 2015. The application is not accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it. It is therefore in conflict with Policy M11 (safeguarding of Mineral Resources) of the Leicestershire Minerals and Waste Local Plan up to 2031, adopted in 2019.
3	The applicant has not undertaken a sufficient level of archaeological investigation as required by NPPF Section 16, paragraph 194 to assist the local planning authority in understanding the heritage impacts of the scheme and thereby inform a balanced planning decision, as required by NPPF paras. 194, 195 and 203. The proposal is therefore in conflict with policy CS14 in the Core Strategy, and with Policy EV8 of the draft Charnwood Local Plan 2021-37.
4	Based upon the latest formal consultation response from the Local Highway Authority, dated 7th January 2023, the proposal has not demonstrated, to the satisfaction of the Local Highway Authority, that the access to the development is safe, and that the downstream impact of traffic generated by this proposal has been adequately considered, and the identified impacts mitigated appropriately. The

	proposal is therefore in conflict with the guidance in the Design Manual for Roads and Bridges. It is therefore in conflict with Policy CS2 in the Core Strategy and Policy DS5 in the emerging local plan, in respect of access arrangements.
5	Planning obligations relevant to the proposal have not been agreed with Leicestershire County Council in respect of Highways and sustainable travel. The proposal is therefore in conflict with Policies CSA17 and CS24 in the Core Strategy, and CC5 in the emerging local plan. At the date of writing policies INF1 and INF2 of the ELP have limited weight, but the proposal, without agreement between the applicant and LCC on contributions and obligations, is in conflict with these policies.
6	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. These matters would normally be secured by way of a Section 106 Legal Agreement but this has not at this time been provided. 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.

**Recommendation B:**

- 11.2 That delegated authority be given to the Head of Planning and Growth to respond to any changed circumstances in the context of the non-determination planning appeal which might alter the council's position. This authority would extend to whether to withdraw some or all reasons for refusal. It would also authorise him to agree the terms of a S106 agreement and planning conditions, which will be required by the Planning Inspectorate, regardless of the recommended decision.

**APPLICATION SITE**





## **Appendix B**

Highways Authority final consultation response 17 August 2023

**Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.**

Response provided under the delegated authority of the Director of Environment & Transport.

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**APPLICATION DETAILS:**

Planning Application Number: P/21/2639/2

Highway Reference Number: 2021/2639/02/H/R6

Application Address: Land North of Barkby Road Syston Leicestershire

Application Type: Outline (with access)

Description of Application:

Re-consultation. Outline application for up to 195 dwellings with all matters reserved except access.

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**GENERAL DETAILS**

Planning Case Officer: Liam Ward

Applicant: Taylor Wimpey (UK) Ltd

County Councillor: Mr Tom Barkley

Parish: Syston

Road Classification: Class C

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**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

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. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

**Advice to Local Planning Authority**

**Background**

The Local Highway Authority (LHA) has been re-consulted on an outline with access planning application for up to 195 dwellings to be located on land north of Barkby Road, Syston. The site is draft allocation HA3 in the emerging CBC local plan.

The LHA's previous and fourth set of observations dated 27 January 2023 can be summarised as follows:

- The LHA requested changes to be made to the proposed site access ghost island right turn lane and a revised Stage 1 Road Safety Audit (RSA) and Designer's Response (DR) for the junction.
- The LHA also required changes to be made to the Roundabout option which was put forward to demonstrate that the issuing of planning permission for this application and the associated



proposed right turn lane access proposed would not prejudice the delivery of development to the south of Barkby Road (Draft allocation HA1 in the emerging CBC Local Plan).

- The LHA noted that the Applicant had suggested that a Public Transport Strategy (PTS) could be secured by way of a condition.
- The LHA requested for the modelling files for junctions assessed to be submitted so that the LHA could review and verify the models. It was highlighted that that the LHA may seek mitigation at the off-site junctions following a review of the models.
- Finally, the LHA also requested for a sensitivity test which should consider the cumulative impacts of all of the draft allocation sites included in the Draft Charnwood Local Plan, which will include sites in Syston and Queniborough in particular. This was requested for the LHA to obtain a wider view of all of the allocated sites development traffic would impact the local highway network.

Since the LHA's comments of 27 January 2023, the LHA have had correspondence and discussion with the Applicant and the Local Planning Authority (LPA) on the aforementioned matters.

This fifth highways response is provided following review of the following documents and drawings which have now been submitted to the LPA in support of this planning application:

- Response to Leicestershire County Council Highways Comments Technical Note (TN) dated 27th January 2023 prepared by DTA;
- Proposed Site Access Right Turn Lane Northern Site, Drawing no. 20060-02 Rev F;
- Potential Future Roundabout Access, Drawing no. 20060-06 Rev A;
- Stage 1 Road Safety Audit dated 30th May 2023 prepared by Road Safety Consulting LTD appended as Appendix D, G and I part of the TN.
- Mitigations Schemes Summary Note (MSSN) uploaded to CBC's planning website on 28/07/2023 prepared by DTA which includes the following drawings;
  - Preliminary Melton Road Junction Signal, Drawing 20060-03;
  - Fosse Way – High Street Junction Potential Improvements Drawing 20060-08-02 Rev B; and
  - Goodes Lane – Melton Road Potential Improvements, Drawing 20060-08 Rev B.

### **Site Access**

The LHA are now content that whilst satisfactory minor changes have been made to the access, as demonstrated on Drawing 20060-02-02 Rev F, there are no fundamental changes to the overall scheme and therefore a revised RSA and DR is no longer required. The access arrangements are now suitable to be secured by a condition.

The LHA also consider that the proposed Roundabout option as demonstrated on Drawing no. 20060-06 Rev A is deliverable in principle as there are no constraints in providing a design compliant roundabout junction in the future.

### **Junction Capacity Assessments**

Following discussion at a meeting with the LHA on 24th March 2023, the Applicant undertook a sensitivity test to establish the implications of allowing for future growth on the network by applying TEMPro to the end of the Local Plan period (i.e., 2037). The TEMPro growth figure has applied a further 14% of traffic growth and relates to an additional 1,300 houses within and around Syston. The application site and adjacent allocated site HA2 traffic flows, which is also the subject of a live planning application, have also been included in the test.

The results of the modelling for all cases including the sensitivity test are demonstrated in the table below which has been extracted from the submitted TN.

Junction	Base Year (2021/2022)	2027 Base	2027 + Development	2037 (Base Sensitivity)	2037 + Development
Site Access	-		Within capacity (highest RFC of 0.33 and Q of 1) Development flows (excluding HA1) through junction: 147 AM, 146, PM	Highest RFC of 0.23 Q of 0	Highest RFC of 0.35 Q of 1
1. High Street/Melton Road/Barkby Road	Within capacity (highest RFC of 0.84 and Q of 5)	Approaching capacity (highest RFC of 0.91 and Q of 8)	Approaching capacity (highest RFC of 0.95 and Q of 12) Development flows through junction: 48 AM, 48, PM	Highest RFC of 1.04 Q of 27	Highest RFC of 1.09 Q of 39
2. Barkby Road/ Queniborough Road	Within capacity (highest DoS of 71.6% and Q of 9)	Within capacity (highest DoS of 81.7% and Q of 16)	Within capacity (highest DoS of 86.4% and Q of 18) Development flows through junction: 60 AM, 60, PM	Highest DoS of 88.6% Q of 12	Highest DoS of 93.5% Q of 14
4. Barkby Road/ Pembroke Avenue	Within capacity (highest RFC of 0.34 and Q of 1)	Within capacity (highest RFC of 0.37 and Q of 1)	Within capacity (highest RFC of 0.44 and Q of 1) Development flows through junction: 87 AM, 87, PM	Highest RFC of 0.42 Q of 1	Highest RFC of 0.50 Q of 1
5. Goodes Lane/ Melton Road;	Within capacity (highest RFC of 0.82 and Q of 7)	Approaching capacity (highest RFC of 0.89 and Q of 11)	Nearing capacity (highest RFC of 0.97 and Q of 20) Development flows through junction: 40 AM, 39, PM	Highest RFC of 1.03 Q of 34	Highest RFC of 1.09 Q of 53
6. Fosse Way/ High Street	Within capacity (highest DoS of 78.2% and Q of 18)	Within capacity (highest DoS of 92.0% and Q of 24)	Approaching capacity (highest DoS of 94.5% and Q of 26) Development flows through junction: 44 AM, 44, PM	Highest DoS of 103.3% Q of 42	Highest DoS of 105.7% Q of 49

The sensitivity test has been provided to give the LHA an insight into how the junctions might worsen in the future with wider traffic growth. The results demonstrate that junctions 1, 5 and 6 are shown to operate above practical capacity in the 2027 base and then worsen in the 2027 + Development scenario, as a result of the traffic associated with the proposed development. The performance of all junctions generally worsens with the 2037 base sensitivity and 2037 + Development scenarios as would be expected. However, the 2037 scenarios are not material with respect to requests for mitigation, as the LHA would normally only consider the 2027 scenarios, as these are the closest to the year of planning application plus five years and which are most relevant to a development of this scale.

### **Off-Site Implications**

Further to an initial review of the results the junction capacity assessments under the 2027+ development scenario, the LHA considered that improvements were required at the following junctions (1, 5 and 6 above), where it considered the impacts to be significant against paragraph 110 of the National Planning Policy Framework (NPPF, 2021), and therefore necessary to avoid a severe impact in the context of paragraph 111 of NPPF:

- High Street/Melton Road/Barkby Road – an increase from 0.91 RFC to 0.95 RFC
- Goodes Lane/Melton Road – an increase from 0.89 RFC to 0.97 RFC
- Fosse Way/High Street – an increase from 92% DoS to 94.5%. The Practical Reserve

Capacity (PRC) also reduces with the development in place.

Accordingly, the Applicant has proposed mitigation schemes at each of the three junctions which are detailed within the Applicant's Mitigations Schemes Summary Note (MSSN). The LHA comment as follows:

### Proposed Mitigation Scheme at High Street / Melton Road / Barkby Road

The junction is currently an off-set mini-roundabout with a mixture of pedestrian crossing facilities (uncontrolled / controlled (signal) / controlled (zebra)) in very close proximity.

The junction layout is constrained by third party land ownership, the oblique angle of Barkby Road, existing site accesses, on-street parking provision (including disabled bays), servicing requirements, and high pedestrian demand.

The proposed mitigation scheme as demonstrated on Drawing 20060-03 consists of the conversion of the existing mini roundabout junction to a traffic signal-controlled junction with crossing facilities.

The scheme has been subject to an RSA which is contained within Appendix D of the MSSN. The RSA raised nine problems in total. Whilst the LHA agrees that some of the RSA issues could be satisfactorily dealt with, others are more problematic. Furthermore, the LHA also has fundamental concerns over how the scheme would operate in practice given the aforementioned constraints and does not consider that the modelling results below can be achieved (see Table 1 below which has been extracted from the MSSN).

**Table 1: Melton Road/ Barkby Road/ High Street**

Scenario	Results Summary	
	Existing Layout	Improvement Scheme
2027	Approaching capacity (highest RFC of 0.91 and Q of 8)	
2027 + Development	Approaching capacity (highest RFC of 0.95 and Q of 12)	
2037	Highest RFC of 1.04 Q of 27	Highest DOS 0.96 Q of 15
2037 + Development	Highest RFC of 1.09 Q of 39	Highest DOS 0.98 Q of 15

The LHA have reviewed the modelling and found the following errors:

- In order to retain parking provision (including disabled bays) and servicing provision to existing properties on High Street, the length of the left lane would need to be reduced in the model from 51.8m to 9m. This would have a significant impact on capacity and
- Some of the saturation flows used are not correct and when corrected which will further reduce capacity

The LHA has reconsidered the need for mitigation at this location. Given that the impact of the development is predicted to increase the queue by 4 vehicles on the High Street arm only in the pm peak only, the LHA cannot demonstrate that this impact will be severe and accepts that a scheme of mitigation is not necessary at this location.

### Proposed Mitigation Scheme at Goodes Lane / Melton Road

This junction is currently a priority T-junction. The modelling identifies that, as traffic flows increase in the future, vehicles turning right into Goodes Lane block through traffic travelling north along Melton Road.

The proposed mitigation scheme is demonstrated on drawing 20060-08 and it is proposed to provide a ghost right turn lane at the junction.

The scheme will require some localised widening of the road and the removal of some on-street parking. This would require a Traffic Regulation Order (TRO) at a cost of £7,500. The Applicant has undertaken parking surveys which are contained in Appendix E of the MSSN which confirms that the parking bays are lightly used and accordingly considers that a TRO has a reasonable likelihood of success in this instance.

The scheme has been subject to an RSA contained within Appendix E of the MSSN and amended where necessary as a result of the findings. The RSA raised one issue in total which is summarised below, including the DR.

Issue 1 (4.1) noted that the removal of the parking bays outside the Syston Day Nursery on Melton Road could result in displaced parking, with parents/carers alternatively parking on Goodes Lane. The RSA considered that this is likely to increase the number of pedestrians with small children needing to cross Melton Road. The RSA recommendation is that an appropriate pedestrian facility is provided and that a measure may include but not be limited to incorporating a pedestrian refuge within the hatched area of the junction.

The designer accepts the recommendation and considers that appropriate pedestrian provision can be made at this location.

Notwithstanding the above, the LHA does not consider that the inclusion of a pedestrian crossing facility in the scheme is a minor change which could be incorporated at the detailed design stage, although it is likely that a suitable scheme can be developed. Accordingly, the LHA has advised a condition which requires further design work to be undertaken at this location prior to proceeding to detailed design as part of the S278 process.

The junction has been assessed in Junctions 10 with the results contained within Appendix F of the MSSN. Table 2 below which has been extracted from the MSSN shows a summary of the results.

**Table 2:** Goodes Lane/ Melton Road junction

Scenario	Results Summary	
	Existing Layout	Improvement Scheme
2027	Approaching capacity (highest RFC of 0.89 and Q of 11)	Within capacity (highest RFC of 0.72 and Q of 3)
2027 + Development	Nearing capacity (highest RFC of 0.97 and Q of 20) Development flows through junction: 40 AM, 39, PM	Within capacity (highest RFC of 0.78 and Q of 3) Development flows through junction: 40 AM, 39, PM
2037	Highest RFC of 1.03 Q of 34	Approaching capacity (highest RFC of 0.84 and Q of 5)
2037 + Development	Highest RFC of 1.09 Q of 53	Approaching capacity (highest RFC of 0.91 and Q of 7)

Having reviewed the modelling, the LHA consider that a ghost right turn improvement scheme would mitigate the development impact on the junction in 2027.

### Proposed Mitigation Scheme at Fosse Way / High Street

This is an existing signal-controlled junction. The proposed mitigation scheme is demonstrated on drawing 20060-08-2 and consists of:

- Widening the northbound approach to provide carriageway space for an ahead vehicle to pass a vehicle waiting to turn right into the High Street;
- Relaxing the radii kerb between the Fosse Way southbound approach and the High Street to ease the left turn into the High Street;
- The relocation of the stop lines on all three approaches; and
- Extending the footway on the northeast side into the High Street to allow the uncontrolled pedestrian crossing on the High Street to be relocated further east.

The scheme has been subject to an RSA contained within Appendix I of the MSSN and amended where necessary as a result of the findings. The RSA raised two issues in total which are summarised below, including the designer's response.

The recommendation for both issues is to cut back or remove vegetation which lies within the public highway. The designer accepts the recommendation.

The LHA are content both issues can be addressed during the detail design stage.

The junction has been assessed in LinSig with the results contained within Appendix H of the MSSN. Table 3 below which has been extracted from the MSSN shows a summary of the results.

**Table 3: Fosse Way/ High Street junction**

Scenario	Results Summary	
	Existing Layout	Improvement Scheme
2027	Within capacity (highest DoS of 92.0% and Q of 24)	Within capacity (highest DoS of 88.0% and Q of 22)
2027 + Development	Approaching capacity (highest DoS of 94.5% and Q of 26)	Approaching capacity (highest DoS of 92.4% and Q of 25)
2037	Highest DoS of 103.3% Q of 42	Nearing capacity (highest DoS of 98.7% and Q of 33)
2037 + Development	Highest DoS of 105.7% Q of 49	Nearing capacity (highest DoS of 101.0% and Q of 37)

Having reviewed the modelling, the LHA consider the proposed improvement scheme will mitigate the development impact on the junction in 2027. The LHA seeks to secure delivery of the scheme by planning condition.

### **Footpath J37**

The LHA have advised a suitably worded condition to identify improvements to PROW J37.

### **Transport Sustainability**

The LHA and Applicant have discussed and agreed a contribution of £450,000 towards supporting improvements to the 100 service and/or to contribute towards other wider improvements to bus services/ Demand Responsive Transport (DRT). This contribution is covered within the wider Interim Charnwood Transport Contribution Strategy request below.

## **Conditions**

1. No development shall commence on the site until such time as a Construction Traffic Management Plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

2. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access Right Turn Lane Northern Site, Drawing no. 20060-02 Rev F have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres to the right (eastbound approach) and 2.4 metres by 75 metres to the left (westbound approach) have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

4. No part of the development shall be occupied until such time as the offsite works shown on Fosse Way – High Street Junction Potential Improvements Drawing 20060-08-02 Rev B have been implemented in full.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

5. Notwithstanding the details shown in Drawing 20060-08- Rev B, a revised drawing should be submitted to and agreed in writing by the Local Planning Authority, incorporating the advice in the Stage 1 Road Safety Audit reference RSC/EB/DL/22142 dated 30th May which recommends that an appropriate pedestrian facility be provided. The revised scheme shall be implemented prior to first occupation of the development.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

6. No development shall take place until a scheme for the treatment of the Public Right of Way J37 within the development site, to the site boundary between the northeast of the site and Queniborough Road, and between the west of the site and north of John Frear Drive has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include

provision for the management of the PROW during construction, details of surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. The scheme shall be implemented prior to first occupation.

REASON: to protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.

7. The agreed Residential Travel Plan SJT/JLA/RM/RT 20060-02b dated 23rd September 2021 shall be implemented in accordance with the approved details.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).

### **Contributions**

To comply with Government guidance in the NPPF and commensurate with Leicestershire County Council Planning Obligations Policy, the following contributions are required:

8. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack per plot). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500.

Advised Trigger: 100% of contribution paid Prior to Commencement of Development.

Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

9. Six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at a current average cost of £360.00 per pass.

Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings, except payment may be deferred by agreement with the County Council.

Justification: To encourage residents to use bus services as an alternative to the private car.

10. STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.

Justification: To enable LCC to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.

11. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

12. A £7,500 contribution towards the TRO for removal of the existing demarcated on-street parking provision on the southeast bound and northwest bound carriageway on Melton Road in order to facilitate the junction improvements as indicatively shown on drawing number 20060-08 Rev B.

Justification: In the general interest of highway safety in accordance with the National Planning Policy Framework (2021).

13. A contribution under the Interim Charnwood Transport Contribution Strategy of £2,445,323.71.

Justification: To contribute towards mitigating the wider impacts of the development on the highway and transport network within Charnwood Borough, which otherwise cumulatively with other developments would be severe as identified through evidence prepared by Charnwood Borough Council to underpin its Local Plan

### **Informative**

- Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
- To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- The Public Right of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to



networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.

**Date Received**  
**28 July 2023**

**Case Officer**  
**Suraj Dave**

**Reviewer**  
**RH**

**Date issued**  
**17 August 2023**



## **Appendix C**

Plans Committee 17 August 2023 Extras Report



**PLANS COMMITTEE**

This meeting will be recorded and the sound recording subsequently made available via the Council's website: [charnwood.gov.uk/pages/committees](https://charnwood.gov.uk/pages/committees)

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors S. Forrest (Chair), Lennie (Vice-Chair), Charles, Fryer, Lawrence, Monk, Lowe, Northage, O'Neill, Palmer, Snartt, N. Taylor and Worrall  
(For attention)

All other members of the Council  
(For information)

You are requested to attend the meeting of the Plans Committee to be held in Woodgate Chambers on Thursday, 17th August 2023 at 5.00 pm for the following business.



Chief Executive

Southfields  
Loughborough

16th August 2023

**EXTRAS REPORT**

5. PLANNING APPLICATIONS

2 - 5

## **Extras Report – 17 August 2023**

**Item No. 5a**

**Pages 8-50**

**Planning Application Number P/21/2639/2**

**Site Address: and off Barkby Road, Syston**

### **Updates**

No updates to report.

**Item No. 5b**

**Pages 51-69**

**Planning Application Number P/23/0003/2**

**Site Address: 18 Beaumanor Gardens, Woodhouse**

### **Updates**

1. Further representations have been received from the Council's Senior Conservation Officer in response the revised plans received on 19<sup>th</sup> June 2023. The Officer confirms that the amended scheme addresses previous concerns in terms of the scale and impact on the distinctive character of this later 20<sup>th</sup> century development. The reduction in size of the garage and its revised arrangement also addresses previous concerns over the impact on the sense of openness to the front of the development and their previous objection is withdrawn.
2. Further representations received 9<sup>th</sup> August 2023 have been made by the applicant's agent in response to the Daylight and Sunlight Assessment submitted by the neighbour received on 27<sup>th</sup> July 2023. The agent responds by generally agreeing with the survey findings that daylight/sunlight to the neighbouring secondary study window is already affected by the existing dwelling at No. 18. The difference in impact, following the construction of the development proposed amounts to a reduction in light of one hour per day (in March each year) and less during summer months. The agent reaffirms that the affected window does not serve a principal room in that dwelling.

The agent has also reviewed the published agenda and comments that paragraph 9.4.4 appears to suggest that there is a 1.5 hours difference between the existing and proposed scenarios but the agent clarifies that this one hour (as assessed in March) with less during summer months.

The agent also points out that at paragraph 9.4.5 of the committee report, it is concluded that the 45 degree 'angle of light' line is breached in the vertical which the agent does not consider is the case.

3. Further neighbour representations have been received which allege that the committee report does not explain the increase in proportions, form and mass of the proposed extensions and how they meet planning guidelines. It is also claimed that the harm to neighbour amenity is underestimated in terms of light, overbearing impact and loss of privacy and loss of amenity. It is claimed that approving the development will harm the Conservation Area and set a precedent. A fence is shown to be replaced but this is within the ownership of the occupier of No. 16 Beaumanor Gardens. It is claimed the level of objection is under-reported in that there are 39 letters of objection and not the 10 reported in the officer report.
4. Further representations have been received from Councillor Snartt referencing the Senior Conservation and Design Officer's comments on Page 58 of the committee report which details concerns. This appears to Councillor Snartt that the amendments to the application do not overcome the concerns of the originally submitted plans. There is also concern that the latest comments of the Senior Conservation Officer are not able to be reported until the publication of the 'extras' report as impact to the Conservation Area is most important. Councillor Snartt suggests that the application should be deferred.

### **Officer Response**

1. It is considered that these comments corroborate the assessment of the application as set out in Section 9.5 of the committee report which conclude that the proposal would result in no harm to the setting of the wider Conservation Area. Condition 4 would seek the submission of details of all proposed materials in order to ensure they are appropriate for the Conservation Area setting.
2. In terms of the impact to the neighbours, this is set out in the committee report and the submitted information from the neighbour which has been assessed by the agent and the local planning authority confirms that impact on daylight and sunlight will be negligible.
3. In reply to the additional neighbour representations received on 14<sup>th</sup> August, the officer would respond and state that a full explanation of the impacts of the development is set out in Section 9.4 of the committee report based on the amended plans received on 19<sup>th</sup> June 2023 which members will have familiarised themselves with. It is considered that whilst the proposed extensions represent large additions to the original house, these are considered acceptable, given the size of the plot and the characteristics of the area. The number of letters received takes account of addresses consulted on both the originally submitted and the revised plans, with concerns being repeated but reported at section 7.1 of the officer report. The report is clear that twelve letters of objection were received from eleven addresses on the originally submitted plans, but a correction is made that nine letters from nine addresses were received in response to the amended plans as one of these was a joint letter from three addresses where two signatories also responded individually.

4. To clarify, the comments in the table on Page 58 relate to the second iteration of the submitted plans which are now superseded. The comments of the officer reported at point 9.5.6 relate to the latest plans which members will consider at the Plans Committee meeting. Paragraph 9.5.6 was based on internal comments made between officers which allude to the fact that previous concerns are overcome in the final scheme. Due to extended annual leave, it was not possible to obtain the detailed comments of the officer prior to the publication of the agenda and, as confirmed in the report, these more detailed comments are reported at (1) above.

It is considered that the officer report includes the appropriate assessment of the application and covers all the relevant issues and, together with the late representations summarised in the extras report will provide members with sufficient information to be able to determine the application without the need for a deferral.

### **Recommendation**

No change to the recommendation.

### **Item No.5c**

#### **Pages 70-104**

#### **Planning Application Number P/22/2229/2**

#### **Site Address: Land East of Iveshead Road, Shepshed**

### **Updates**

1. Paragraph 5.13 is to be moved to be read under the Development Plans Section 4.13 – correction of error.
2. Charnwood Open Spaces Response – clarification received that payments would apply to allotments, play spaces and sports pitches in Shepshed only – table of heads of terms refer to sites in Shepshed throughout.
3. Rework 9.2 as follows:

The provision of affordable housing, at 20%, meets the adopted plan % for Shepshed, but is below the emerging policy requirements of 30% but is considered acceptable by the housing department given an independent viability report, and so falls within the viability exemption of the policy. As such the scheme is fully policy compliant with the development plan and there is no objection from the local highway authority.

4. 30 emails in support of the development have been received from local residents in Shepshed via the 'Just Build Homes' campaign group to the Agent.

5. Request from Cllr Lawrence to list distance to nearest bus stop on Ashby Road. This is measured at around 720m which is a similar distance to other sites on the southern fringe of Shepshed which has been considered acceptable in the emerging local plan and on appeal in Southern Shepshed.

## Recommendation

In Recommendation refer to the “Head of Planning and Growth” and the “Head of Governance and Human Resources” rather than “Head of Planning and Regeneration” and “Head of Strategic Support”.

### Item No. 5d

Pages 105-145

Planning Application Number P/23/0191/2

Site Address: 97 Gynsill Lane, Antstey

## Updates

1. Further comments have been received from the County Obligations Team. It is confirmed that a mistake was made at the County in terms of housing numbers proposed in their initial consultation response dated 21<sup>st</sup> July 2023. The updated and increased obligations are:

**£603.95** towards Waste Mountsorrel HWRC – as opposed to Recommendation A in the officer report of **£334.18** towards waste management at the HWRC at Whetstone HWRC

**£1,033.40** towards funding the enhancement of Antsey Library, as opposed to Recommendation A in the officer report of **£422.77**

The agent has confirmed agreement to the increased obligations towards Waste and Libraries to be secured in the S106.

## Officer Response

1. It is considered that the increased obligations are acceptable and CIL compliant and the increase makes no change to the officer recommendation of approval. It is considered that the officer report includes the appropriate assessment of the application and covers all the relevant issues and, together with the late representations summarised in this extras report will provide members with sufficient information to be able to determine the application without the need for a deferral.

## Recommendation

In Recommendation refer to the “Head of Planning and Growth” and the “Head of Governance and Human Resources” rather than “Head of Planning and Regeneration” and “Head of Strategic Support”.



## **Appendix D**

Plans Committee 17 August 2023 Draft Minutes



**PLANS COMMITTEE  
17TH AUGUST 2023**

PRESENT: The Chair (Councillor S. Forrest)  
The Vice Chair (Councillor Lennie)  
Councillors Charles, Fryer, Lawrence, Lowe,  
Monk, Northage, O'Neill, Palmer, Snartt, Worrall  
and Goode

Group Leader Development Management (CT)  
Principal Solicitor - Planning, Property and  
Contracts  
Principal Planning Officer (JW)  
Principal Planning Officer (LW)  
Senior Planning Officer (DL)  
Democratic Services Manager  
Democratic Services Officer (RD)

APOLOGIES: Councillor N. Taylor

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

22. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 27th July 2023 were confirmed as a correct record and signed.

23. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were submitted.

24. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

The following disclosures were made:

- (i) by Councillor Snartt, in respect of planning application P/23/0003/2 (18 Beaumanor Gardens, Woodhouse) who, as Ward Councillor, had called-in the application and was speaking. He sat in the public gallery for the duration of the item.

## 25. PLANNING APPLICATIONS

Reports of the Head of Planning and Growth, setting out applications for planning applications P/21/2639/2, P/23/0003/2, P/22/2229/2 and P/23/0191/2 were submitted (item 5 on the agenda filed with these minutes). An additional report in respect of applications P/21/2639/2, P/23/0003/2, P/22/2229/2 and P/23/0191/2 were also submitted (also filed with these minutes).

In accordance with the procedure for public speaking at meetings, the following objectors, applicants or their representatives and representative of a parish council attended the meeting and expressed their views:

- (i) Mr David Murray (Objector) in respect of application P/21/2639/2;
- (ii) Ms Clare Clarke (on behalf of the agent) in respect of application P/21/2639/2;
- (iii) Councillor Sue Gerrard (on behalf of Syston Town Council) in respect of application P/21/2639/2;
- (iv) Ms Sarah Elliot and Ms Jane Woodland (Objectors) in respect of application P/23/0003/2;
- (v) Ms Karen Brightman (on behalf of the applicant) in respect of application P/23/0003/2;
- (vi) Ms Ann Irving (on behalf of Woodhouse Parish Council) in respect of application P/23/0003/2;
- (vii) Mr Chris Garnett (Objector) in respect of application P/23/0191/2;
- (viii) Mr Jonathan Weekes (on behalf of the agent) in respect of application P/23/0191/2.

There were two late requests to speak from Mr Jonathan Weekes and Councillor Sue Gerrard and the Chair and members of the Committee were in agreement for both requests to be granted.

In accordance with the procedure for Borough Councillors speaking at Plans Committee meetings, the following Councillors attended the meeting and expressed their views:

- (i) Councillor Snartt (on behalf of call-in) in respect of application P/23/0003/2;
- (ii) Councillor Baines (on behalf of call-in) in respect of application P/23/0191/2.

### a) P/21/2639/2 - LAND OFF BARKBY ROAD, SYSTON

*Cllr Lowe arrived at the meeting at 5.40pm during the consideration of this item after the Officer presentation and therefore did not participate in the discussion or vote.*

The Principal Planning Officer introduced the report and advised that late comments had been received since the publishing of the 'extras' report reporting the revised position of the Local Highways Authority. This reported that the amended plans in relation to the access to the site were now acceptable and that the LHA no longer objected to the application, subject to a series of conditions and developer contributions.

*The meeting was adjourned during the Committee discussion at 5.46pm for 10 minutes.*

**RESOLVED** that in respect of application P/21/2639/2 (Land off Barkby Road, Syston) that the Council's position at the forthcoming appeal Public Inquiry would be to resist development as per Recommendations A and B set out in the report of the Head of Planning and Growth, with the exception of reason for refusal 4, which would be deleted from Recommendation A.

*The meeting was adjourned at the close of this item at 6.34pm for 5 minutes.*

- b) P/23/0003/2 - 18 BEAUMANOR GARDENS, WOODHOUSE

**RESOLVED** that in respect of application P/23/0003/2 (18 Beaumanor Gardens, Woodhouse) planning permission be granted subject to the conditions and for the reasons set out in the report of the Head of Planning and Growth and the extras report.

- c) P/22/2229/2 - LAND EAST OF IVESHEAD ROAD, SHEPSHED

Planning Application P/22/2229/2 (Land east of Iveshead Road, Shepshed) was withdrawn from the agenda following the applicant's agreement, due to further information being received. The application would therefore be presented at a future meeting of the Plans Committee.

- d) P/23/0191/2 - 97 GYNSILL LANE, ANSTEY

It was noted that on page 114 of the agenda report pack relating to a contribution towards the Secondary School Sector, that the amount of £59,705.84 was a total contribution and not a contribution per dwelling as stated in the report.

**RESOLVED** that, in respect of planning application P/23/0191/2 (97 Gynsill Lane, Anstey) the application be deferred to a future meeting of the Plans Committee to allow time for discussions with the Local Highway Authority exploring a possible pedestrian crossing on Gynsill Lane.

## 26. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

A list of applications determined under powers delegated to officers for the period from 18th July 2023 to 7th August 2023 was submitted (item 6 on the agenda filed with these minutes).

### NOTES:

1. No reference may be made to these minutes at the Council meeting on 4th September 2023 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.

2. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee.



## **Appendix E**

Local Plan Inspectors letter dated 23 May 2023

**Charnwood Local Plan Examination**  
Inspectors - Mrs S Housden BA (Hons) BPI MRTPI &  
Mr Hayden Baugh-Jones MRTPI  
Programme Officer – Mr Ian Kemp  
[jdkemp@icloud.com](mailto:jdkemp@icloud.com)  
07723 009166

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Mr R Bennett  
Head of Planning and Regeneration  
Charnwood Borough Council  
Southfield Road  
Loughborough  
Leicestershire  
LE11 2TX

23 May 2023

Dear Mr Bennett,

**Charnwood Local Plan Examination**

We are writing to outline the next steps for the Examination following the hearing in February 2023.

Firstly, we would like to thank the Council, Mr Kemp and the staff at Loughborough Town Hall for the efficient and effective arrangements made to host the hearing and for the work undertaken and the constructive approach over the three weeks.

The matters covered in this letter arose during the course of the hearing sessions, and in the interests of progressing the Examination in an efficient and pragmatic manner, we are seeking to provide clarification of the points that need addressing.

Based on all that we have read to date and heard at the hearing sessions, we consider that updates to the work in relation to Transport and Viability matters are necessary. We also consider that there should be a period of consultation on the outcome of that work, and on a limited number of other matters in advance of the formal consultation on main modifications.

Dealing firstly with the two areas where further work is needed:

1. The three Transport Strategies discussed as part of Matter 8 are not sufficiently detailed or developed to enable us to conclude that they

will meet the Plan's objective to increase the use of sustainable modes of travel, in addition to securing effective mitigation for the effects of the Plan's growth on the Local and Strategic Road Network. Whilst a number of main modifications to Policy INF2 and the Infrastructure Delivery Schedule were discussed at the hearing, we consider that the broad contents of, and the framework for, the Transport Strategies for Loughborough Urban Centre, Shepshed Urban Area, North of Leicester and Soar Valley should be identified and submitted to the Examination.

2. Some updates to the Viability Assessment have already been provided in Exam 32 (Assessment of Changes Since Viability Study) and Exam 32a (Second Transport Addendum). However, the Viability Assessment should be further updated to reflect the updated school build costs in the proposed main modifications to the Infrastructure Schedule in Exam 4 (February 2023). An assessment of the viability implications of the increased school build costs together with the indicative cost of the Transport Strategies as outlined above should also be undertaken, and where necessary, the updates in Exam 32 and 32a should be incorporated as part of that work.

In addition to the further work on the Transport Strategies, and an update to the Viability Assessment identified above, the other matters that should be subject to a period of consultation are as follows:

1. The Sustainability Appraisal Addendum (Exam 57)
2. The proposed approach to increasing housing land supply as set out in Exam 56, including the sites proposed for an increase in capacity in Appendix A Tables 1, 2 and 3.
3. Updated completions/housing land supply monitoring data to 31.3.23.

We have reviewed the Follow Up lists and will forward these to the Council in due course. In the meantime, we would ask the Council to provide us with further details of the timing and arrangements for the Examination consultation that we have sought.

The consultation we have proposed may raise issues that need to be addressed as part of our assessment of the legal compliance and soundness of the Plan, and we therefore reserve our position in terms of coming to our overall conclusions in due course.

Other parties should please note that at this stage we are not seeking a response from anyone other than the Council on the matters covered in this letter.

If the Council has any queries on the contents of this letter, please let us know via Mr Kemp. This letter should be put on the Examination web site.

Yours sincerely

*Sarah Housden and Hayden Baugh Jones*

**INSPECTORS**





## **Appendix F**

Leicestershire County Council Developer Contributions consultation  
response dated 20 July 2023

Liam Ward  
Charnwood Borough Council

Date: 20 July 2023  
My Ref: 2021/2639/02  
Your Ref: P/21/2639/2  
Contact: Amar Solanki  
Phone: 01163051302  
Email: [planningobligations@leics.gov.uk](mailto:planningobligations@leics.gov.uk)

Dear Liam Ward,

## 12 month Review of Leicestershire County Council Consultation Response

### Proposal

Outline application for up to 195 dwellings with all matters reserved except access.

At

### Location

Land North of Barkby Road, Syston, Leicestershire

This is to inform you that our records indicate that this planning application remains undetermined. As it has been over 12 months since Leicestershire County Council submitted a consultation response, our requests towards infrastructure requirement have now been reviewed.

The table below sets out our new requirements.

### Revised Summary of Infrastructure Requirements

Infrastructure Category	Location / Description	Amount
Early Years Education	Early Years Education	£304,250.70
Primary Education	The Merton Primary School	£679,172.00
Secondary Education (11-16)	Wreake Valley Academy	£0.00
Post 16 Education	Wreake Valley Academy	£0.00
SEND Education	Ashmount School	£110,074.44
Waste	Mountsorrel HWRC	£10,075.65
Libraries	Syston Library	£5,888.55
<b>Total</b>		<b>£1,109,461.34</b>

Please note that there has been an increase in the contributions sought in respect of Early Years Education, primarily because of the increase in the cost multiplier, but also because of a change in the capacity across the providers in the locality of the development.

There has also been an increase in the Primary Education request, which is due to a reduction in the capacities of the schools in the locality of the development.

## **Please Note**

- **An assessment of highways and transport issues will be carried out as part of the planning application. The Local Highway Authority will provide comments separately to this response and will set out any requirements for planning conditions or obligations to mitigate the impact of the development, in accordance with paragraph 55 of the NPPF.**
- **In the event that the requested developer contributions are not supported by the local planning authority or in circumstances where the applicant is disputing the requests that have been made, please inform the LCC case officer as a matter of urgency.**
- **To ensure that the contributions requested are not devalued because of rising construction costs (e.g. materials or labour), we request that where appropriate, the point at which indexation applies will be calculated from the date any subsequent legal agreement is completed.**

**However, for contributions relating to Education (including primary, secondary, early years and special education), indexation will be calculated at the date of the latest costs review (1 July 2021). Where a costs review is carried out after a consultation response has been provided, but before planning permission is granted, indexation will apply from the date of the latest costs review.**

## **Background**

This response has been prepared on behalf of Leicestershire County Council. It sets out all requirements except those from the Local Highway Authority, which will be provided separately.

The response has regard to the National Planning Policy Framework (NPPF) 2021. This includes the requirement that development can be made acceptable through the use of conditions or planning obligations and the need to only include planning obligations where it is not possible to address unacceptable impacts through a planning condition.

The request for planning obligations has regard to paragraph 57 of the NPPF, which states that planning obligations must only be sought where they meet the three tests. An explanation of how each obligation request meets these tests can be found in the individual responses below.

The County Council's approach to requesting developer contributions as part of the planning application process is set out in its [Planning Obligations policy \(July 2019\)](#). This document was produced following stakeholder consultation and should be treated as a material consideration when dealing with planning applications.

The County Council's response has been prepared having regard to the Local Planning Authority's development plan and other material planning considerations.

Please contact the case officer, whose details are at the top of this letter, if any further information is required in support of this request.

## Education Contributions – An Overview

For developments of 10 dwellings or more (two bedrooms or larger), contributions are sought towards Primary, Secondary and Post 16 education provision. For developments 100 dwellings or more (two bedrooms or larger), contributions are sought towards Early Years Education and to support children with Special Educational Needs and Disabilities (SEND).

Where the number and type of dwellings has yet to be established, calculations are applied on the basis that all of the dwellings proposed have two or more bedrooms. The methodology for calculating contributions is set out below.

## Primary, Secondary, Post 16 Education and SEND

When calculating a contribution, LCC takes account of the average cost per pupil place for extensions and re-build projects set out in the Department for Education's annual National School Delivery Cost Benchmarking Report (NSDCBR). The costs set out in this response take account of the latest costs data provided within the National School Delivery Cost Benchmarking Report. The latest costs review was carried out on 1 July 2021.

The figures are calculated against the pupil yield rates set out below.

Education Sector	DfE Amount per Pupil	Pupil Yield Rate (Per House)	Pupil Yield Rate (Per Flat)
Primary	£18,356	0.3	0.043
Primary (SEND)	£65,664	0.00363	0.00052
High School (11-14)	£17,876	0.1	0.016
Upper School (14-18)	£18,355	0.3	0.016
Secondary (11-16)	£17,876	0.167	0.0267
Secondary (11-18)	£19,327	0.033	0.0053
Secondary (11-19) (SEND)	£81,531	0.004	0.00064
Post 16	£19,327	0.033	0.0053

To assess whether a financial contribution is justified, LCC looks at the current net capacity figure against the average of the two-year and four-year forecast number on roll figures including housing gain. The catchment school forecast figure includes housing gains from this development.

When the County Council has increased the capacity of a school using S106 funding, it will include the pupils from the development the S106 funding relates to in the forecast pupil numbers for that school/s. Where this applies, no S106 funded places are deducted from calculation.

Where the County Council has not increased the capacity of a school but are holding S106 funds to do so, the places that funding is intended to provide will not be included in the forecast numbers for that school/s. Where this applies, S106 funded places are deducted from the calculation.

Where the County Council has used S106 funds, but the capacity of the school has not been increased (e.g., improvement or enhancement of facilities), the pupils from the developments the S106 refers to will not be included in the forecast numbers for that school. Where this applies, S106 funded places are deducted from the calculation.

The table below sets out the calculations for both pupil yields and cost multipliers at the relevant schools likely to be affected by this development, along with the requested contributions broken down for each education sector, and the overall contribution required. Further information in support of our request may be included after the table.

### **Request for Contributions towards Primary Education**

This development will yield 59 primary aged children. The Merton Primary School has a net capacity of 420 and there will be a deficit of 52 places if this development goes ahead. When taking into consideration the other primary schools within a two-mile walking distance from the development there is an overall deficit of 37 places. Therefore a part request for contributions in respect of the primary education sector of £679,172 is necessary.

### **No Request for Contributions towards Secondary or Post 16 Education**

This development will yield 33 secondary aged children. Wreake Valley Academy has a net capacity of 1050 and there will be a surplus of 15 places if this development goes ahead. When taking into consideration the other secondary schools within a three-mile walking distance from the development there is an overall deficit of 14 places.

However, whilst there is an indicative 11-16 claim there is significant forecast surplus at Post 16 therefore a contribution in respect of secondary education is not necessary.

### **Request for Contributions towards Special Education and Disabilities (SEND) Education**

The council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more. This development yields 2 SEND children. All special schools in Leicestershire are full and have a deficit of available spaces, which is forecast to remain so.

This development will yield 0.70785 primary aged children with SEND, and 0.78 secondary aged children with SEND, and therefore a request of £110,074.44 is necessary.

### **Summary**

In order to provide the additional school places anticipated by the proposed development, the county council request a total contribution for education based on the table shown on page 4. This is calculated by the number of pupil places created by the development multiplied by the Department for Education (DfE) cost multiplier for each sector.

The total request for Education across all sectors for the proposed development equals £789,246.44.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, or enhancing existing facilities at either the named catchment school, within the DfE approved planning area serving the development, or any other school within the locality of the development, including the construction of a new school.

This contribution would be expected to be spent within 10 years, however, for smaller, or more complex sites, this timescale will be reviewed during the drafting of the legal agreement.

## Early Years Education

Leicestershire County Council (LCC) reviews the capacity of Early Years providers during the Summer Term, when demand is highest. This review does not include children aged two or younger where they are not in receipt of the Free Early Education Entitlement (FEEE).

Upon receipt of a consultation, a desktop review of providers in a one-mile radius of the site is undertaken using the most recent capacity figures against a pupil yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more (or 0.085 children per dwelling).

A request for contributions is made where there is not sufficient capacity within those providers, and a cost multiplier of £18,356 per place is applied to the likely number of children generated. This cost multiplier was implemented from 1 June 2023 and brings the cost multiplier for Early Years Education in line with the Primary Education cost multiplier, as recommended by the [Department for Education's guide to Securing Developer Contributions](#) (point 19).

## How we calculate a contribution

When calculating an Early Years provision contribution, a yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more is applied. The table below explains how the total yield of 8.5 Early Years children per 100 dwellings is broken down into age groups. Based on information and data provided by Early Years providers, the County Council will not require a contribution to fund 100% places for all age groups. There is not a significant demand for children up to the age of one. The government offer a Free Early Education Entitlement (FEEE) for 40% of 2-year-olds and due to the volume of parents returning to work, take up is quite high. 100% of three-year-olds in Leicestershire take up their FEEE place, but this figure reduces to 50% for take up by four year olds as they enter school.

	<b>Yield rates per 100 homes of 2 or more bedrooms</b>	
Early years age group	3.4 children per year group	
1 year olds	25%	
2 year olds	75%	
3 year olds	100%	
4 year olds	50%	
	Total	

This request for an education contribution is based on 195 houses and 0 flats/apartments with two or more bedrooms. No claim is made on one bedroom dwellings. Based on the table above, this site generates:

<b>Age Group</b>	<b>Number of Early Years children generated by the development</b>
1 year olds	1.6575
2 year olds	4.9725
3 year olds	6.63
4 year olds	3.315
Total	16.575

To assess whether there is a claim for an Early Years contribution, we compare the number of children generated by the development, with the number of existing Early Years providers within a one mile radius of the development.

Having taken the above factors into account, where it can be demonstrated that the number of Early Years children generated by the development is greater than the space capacity in current or planned Early Years provision, the County Council will require a contribution to fund the provision of the additional Early Years places required.

The cost multiplier for the provision of Early Years places is based on the assessment of a number of new build projects, extensions and modular buildings which have been provided across the county since 2012.

The average cost per place provided is £18,356.00. The cost multiplier will be reviewed annually and adjustment made where necessary. The calculation will only be applied where it is determined that there is insufficient Early Years Provision within a mile radius of the development. Based on the above information, please see below for the total contributions sought by Leicestershire County Council.

<b>Total Requirement: £304,250.70</b>
---------------------------------------

**Please note that we request some flexibility in the use of the S106 funding generated by this development to enable the S106 contribution to be used for the provision, improvement, remodelling or enhancement of current facilities at Early Years providers or schools in the locality of the development which the residents of the development would usually be expected to attend, or the creation of new premises.**

### **Library Contributions – An Overview**

LCC has a statutory responsibility under the Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service. Calculations are based on figures set by the Museums, Libraries and Archives Council (MLA) in their Public Libraries, Archives and New Development: A Standard Charge Approach paper (May 2010). LCC also refers to guidance set by the Department of Culture Media and Sport (DCMS) and their Public Library Standards guidance (2001).

### **Library Stock**

The DCMS sets out that the standard provision of library materials (lower threshold) should be 1.157 items of stock per 1,000 population. The average price per item added to stock in Leicestershire libraries (June 2017) is £8.70.

The MLA's assumed occupancy rates for new dwellings are as follows.

<b>Dwelling Type</b>	<b>Assumed Occupancy</b>
1 bed open market or affordable	1.5 persons
2 bed + open market or affordable	3.0 persons
1 bed student accommodation	1.0 person

The formulae used to calculate contributions for libraries is therefore;

**Total Assumed Occupancy (585)**  
**x 1.157 (items of stock per 1,000)**

The nearest library to this development is Syston Library and it is estimated that the total assumed occupancy of arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby.

The contribution is sought to provide improvements to the library and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue arising from an increase in members to the library as a result of this development.

This contribution would be expected to be spent within 10 years, however, for smaller, or more complex sites, this timescale will be reviewed during the drafting of the legal agreement.

### **Waste Contributions – An Overview**

The methodology for calculating the civic amenity contribution per household is based on the cost of maintaining the existing waste service against the number of assessed households proposed by a development which would use the local waste facilities. It is assumed that residents will use the closest Household Waste Recycling Centre (HWRC) to their home to deposit their waste.

Each HWRC has an individual site rate set against it, which is used as the cost multiplier against the number of proposed dwellings. Individual site rates (shown in the calculation below as D) are calculated as follows:

D is  $(A \times B) / C$ ; where

A is the capital cost of providing a new HWRC site\*

B is the percentage size of the HWRC site compared to the site used for A

C is the number of households using the HWRC site at a review date

\* A is based on a recently constructed HWRC

***Uses such as student halls, nursing homes and retirement homes are exempt from HWRC contributions.***

### **Waste Contributions**

The nearest HWRC to this development is Mountsorrel HWRC and the proposed development of 195 dwellings would create additional pressures on the site.

The formulae used to calculate contributions for civic amenities pertaining to this development is;

Number of dwellings - 195

#### ***Multiplied by***

Waste Site Rate for Mountsorrel HWRC of £51.67

***Equals*** £10,075.65

This contribution would contribute towards site reconfiguration and/or development of waste infrastructure to increase the capacity for this Household Waste and Recycling Centre, or any other HWRC likely to be directly impacted by this development.

This contribution would be expected to be spent within 10 years, however, for smaller, or more complex sites, this timescale will be reviewed during the drafting of the legal agreement.



## **Highways and Sustainable Transport**

Paragraph 104 of the National Planning Policy Framework (2021) states that transport issues should be considered at the earliest stages. It also states that opportunities to promote walking, cycling and public transport should be identified and pursued and that safe and suitable access shall be achieved for all users. Paragraph 112 states that applications should give priority first to pedestrian and cycle movements and should facilitate access to high quality public transport. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan.

An assessment of highways and transport issues will be carried out as part of the planning application. The Local Highway Authority will provide comments separately to this response and will set out any requirements for planning conditions or obligations to mitigate the impact of the development, in accordance with paragraph 55 of the NPPF.

## **Additional Information**

### **Monitoring Fees**

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 allow for a sum to be paid in respect of the cost of monitoring planning obligations. In this respect the county council charges £300.00 or 0.5% depending upon which is the greatest for each planning obligation.

For large scale developments of more than 500 dwellings, a negotiated monitoring fee may be appropriate to reflect the costs and time associated with monitoring. This will be discussed when the S106 is being prepared.

### **Review of Response**

This response reflects LCC's requirements for developer contributions, calculated at the date at the top of this response. In the event that planning permission is not granted (with a signed S106 agreement) within 12 months of the date of this response, the Local Planning Authority is requested to re-consult Leicestershire County Council to check whether there have been any material changes to circumstances that affect the required developer contributions.

Please inform the LCC case officer in the event that the requested developer contributions are not supported by the local planning authority or in circumstances where the applicant is disputing the requests that have been made.

Kind regards,

*Mark Johnson*

Planning Obligations Team  
Leicestershire County Council



## **Appendix G**

Leicester, Leicestershire and Rutland ICB Commissioning Group  
consultation response dated 8 September 2023

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**Leicester, Leicestershire & Rutland ICB Commissioning Group  
Charnwood Borough Council**

Development REF: **P/21/2639/2**  
Resubmission Date: **08/09/2023**

<p><b>Impact of new development on GP practice</b></p>	<p>We acknowledge your letter for the above development which identifies a proposed housing development of 195 dwellings. We note that based on census data 2021, a household averages of 2.42 patients per dwelling. The housing development will result in a minimum population increase of 471.9 patients. This figure would evidently be higher dependent on the number of bedrooms in each dwelling.</p> <p>Housing developments have known to put additional pressure on healthcare infrastructure and their requirements based in Primary, Community and Secondary Care facilities.</p> <p>To ensure that the health and well-being of the local community is protected, S106 funding is essential to help mitigate/support the needs arising from an increase in population and is used towards increasing access to these services.</p>						
<p><b>GP practice most likely to be affected by growth and therefore directly related to the housing development</b></p>	<p>The practice(s) that are close to this development:</p> <table border="1" data-bbox="411 1512 1433 1662"> <thead> <tr> <th>Practice / List Size</th> <th>Distance from development</th> </tr> </thead> <tbody> <tr> <td>The County Practice – 12,858</td> <td>1.1 mile</td> </tr> <tr> <td>The Jubilee Medical Practice - 12,100</td> <td>1.1 mile</td> </tr> </tbody> </table>	Practice / List Size	Distance from development	The County Practice – 12,858	1.1 mile	The Jubilee Medical Practice - 12,100	1.1 mile
Practice / List Size	Distance from development						
The County Practice – 12,858	1.1 mile						
The Jubilee Medical Practice - 12,100	1.1 mile						

<p><b>Commissioner comment on proposed provision of health care facility within the development</b></p>	<p>GP Practices are contracted to provide healthcare provision for its registered patients. A Practice is not able to refuse registration of new patients unless they have gone through a rigorous process and have been given approval to have a 'closed list'. Such cases are very rare and Leicester, Leicestershire &amp; Rutland have 2 out of 130 practices with a closed list.</p> <p>Any increase in patient registrations at a practice impacts a GPs clinical capacity and adds to their need of increasing that capacity. We are requesting S106 healthcare contributions to support that increase and improve primary care services for the area.</p> <p>Due to the length of time applications can take to reach formal approval, and S106 funds agreed and secured, LLR ICB will agree at that point as to where the funding is best placed. The Estates team welcome early engagement with the council to ensure the S106 agreement contains the right level of detail.</p>							
<p><b>S106 Health care contribution calculation, ensuring fair and reasonably related in scale and kind to the development identified:</b></p>	<p>For the identified practice to expand to meet the population increase, average calculations for health centres, clinics, and group practice surgeries from the Building Cost Information Service (BCIS) 2022 have been used which indicate the cost of providing additional accommodation for 471.9 patients is as follows.</p> <table border="1" data-bbox="411 1066 1474 1256"> <tr> <td style="text-align: center;">                 Additional patients to be accommodated <b>471.9</b> </td> <td style="text-align: center;">x</td> <td style="text-align: center;">                 Standard area m<sup>2</sup>/person <b>0.08</b> </td> <td style="text-align: center;">x</td> <td style="text-align: center;">                 Cost of extension including fees £/m<sup>2</sup> <b>£2,516</b> </td> <td style="text-align: center;">=</td> <td style="text-align: center;">                 Total cost <b>£94,984.03</b> </td> </tr> </table>	Additional patients to be accommodated <b>471.9</b>	x	Standard area m <sup>2</sup> /person <b>0.08</b>	x	Cost of extension including fees £/m <sup>2</sup> <b>£2,516</b>	=	Total cost <b>£94,984.03</b>
Additional patients to be accommodated <b>471.9</b>	x	Standard area m <sup>2</sup> /person <b>0.08</b>	x	Cost of extension including fees £/m <sup>2</sup> <b>£2,516</b>	=	Total cost <b>£94,984.03</b>		
<p><b>Financial Contribution requested and impact on phased contributions</b></p>	<p>The contribution requested would be <b>£94,984.03</b></p> <p>The ICB would also like the council to carefully consider the developer occupancy trigger points and have the opportunity to review the S106 agreement ahead of signing.</p> <p>The practice is already experiencing capacity issues in relation to it premises and would need to increase facilities to meet the needs resulting from this development; therefore, both the ICB and the practice would wish for any contributions to be released prior to first occupation.</p>							



## **Appendix H**

Archaeological Written Scheme of Investigation (17<sup>th</sup> August 2023)

# Land North of Barkby Road, Syston

## Written Scheme of Investigation



**Land North of Barkby Road,  
Syston  
Written Scheme of Investigation for an Archaeological Trial  
Trench Evaluation**



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## KEY DOCUMENT INFORMATION

<b>Project name</b>	Land North of Barkby Road, Syston
<b>Type of project</b>	Evaluation
<b>YA archaeological code   financial code</b>	TBC
<b>National Grid Reference</b>	SK 63773 11093
<b>OASIS ID</b>	TBC
<b>Planning Reference</b>	
<b>Client</b>	RPS acting on behalf of Taylor Wimpey (UK) Ltd
<b>Report version no. and status</b>	V1 Draft for client comments
<b>Author   Illustrator   Editor</b>	Eleri Davies   17/8/23
<b>Report approved by   date</b>	Tom Hooley 17/8/23
<b>Report number   date</b>	YA/2023/169   14/08/2023
<b>Filename</b>	WSI_Syston_Leicestershire.docx

## ABBREVIATIONS

AOD Above Ordnance Datum

HER Historic Environment Record

NHLE National Heritage List for England

## **SUMMARY**

York Archaeology has been commissioned by RPS acting on behalf of Taylor Wimpey (UK) Ltd to undertake an archaeological trial trench evaluation on land to the north of Barkby Road, Syston Leicestershire. This work has been requested by the Senior Conservation Officer for Charnwood Borough Council to provide sufficient information to inform her recommendation on a planning application for residential development. The archaeological trial trench evaluation will consist of 33 trenches, covering 4% of the Site area with an additional 1% contingency.

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## **FIGURES**

Figure 01: Location Map

## **1 INTRODUCTION**

- 1.1.1 York Archaeology has been commissioned by RPS on behalf of Taylor Wimpey (UK) Ltd to undertake an archaeological trial trench evaluation on land to the north of Barkby Road, Syston Leicestershire (hereafter referred to as the Site, centred on National Grid Reference NGR SK 63773 11093, Figure 01).
- 1.1.2 The trial trench evaluation will aim to assess the archaeological potential of the Site and the results of the evaluation will allow the Senior Conservation Officer to make her recommendations in response to a submitted planning application for residential development. The trial trench evaluation follows an Archaeological and Heritage Assessment produced by The Environmental Dimension Partnership Ltd (2021).
- 1.1.3 The archaeological evaluation will comprise 33, 50m x 2m trenches, covering 4% of the Site area with allowance for a further 1% contingency.

## 2 SITE BACKGROUND

### 2.1 Location, Topography and Geology

- 2.1.1 The Site is located on land to the north of Barkby Road, Syston Leicestershire (NGR SK 63773 11093, Figure 01). This is on the eastern edge of the town of Syston, c.2.5km east of the A46, c.1.2m north of the village of Barkby and c.1.3km south of the village of Quenilborough.
- 2.1.2 The Site measures 8.3ha in area and comprises two field fields with a hedgerow separating the southern part of the Site. It is bounded along the western side by a hedgerow and residential housing beyond this, by amenity grassland to the north, Quenborough Road to the east and Barkby Road to the south. A public right of way is also present within the Site boundary.
- 2.1.3 The Site is positioned on an area of high ground which slopes slightly down to the south. At its highest point the site is c.62m above Ordnance Datum (AOD).
- 2.1.4 The underlying geology is recorded by the British Geological Survey (BGS) as comprising Branscombe Mudstone Formation with a superficial deposit of Birstall Member - Sand and gravel present close to the northwest boundary of the Site (BGS 2023).
- 2.1.5 The Cranfield Soil and Agrifood Institute characterises the soils as slightly acid loamy and clayey soils with impeded drainage (Cranfield Soil and Agrifood Institute 2023).

### 2.2 Archaeological background

- 2.2.1 This section draws on data from the *Archaeological and Heritage Assessment* undertaken by The Environmental Dimension Partnership Ltd in (2021) and is supplemented with an additional 1km radius search of the Leicestershire Historic Environment Record (HER), Historic England research records, and the NMR Excavation Index, accessed via Heritage Gateway (<https://www.heritagegateway.org.uk/gateway/>).

#### Prehistoric

- 2.2.2 There are six recorded prehistoric heritage assets within 1km of the Site.
- 2.2.3 A double ditched cropmark, running north-northwest to south-southeast and a possible enclosure (HER: MLE783) are known from aerial photography approximately 290m north of the Site. These are currently undated, but are considered to be possibly prehistoric.
- 2.2.4 The site of a possible long barrow (HER: MLE438) was identified at Barkby, approximately 630m east of the Site. Worked flint was additionally discovered in an adjacent field and has been identified as Neolithic/Early Bronze Age.
- 2.2.5 Other Bronze Age findspots include: an Early Bronze Age barbed and tanged arrowhead (HER: MLE6295) which was found in 1990 320m west of the Site; a flanged Bronze age axe (HER: MLE6286) was found approximately 850m northeast of the Site and a small diametered Bronze Age ring (HER: MLE24678) which was found in 2001 via metal detecting, approximately 850m north of the Site boundary.
- 2.2.6 Additionally fieldwalking across the Site has identified a small scatter of worked flint (Clarke 2023).

- 2.2.7 Further prehistoric sites are known within the wider landscape.
- 2.2.8 In a field, approximately 1km southwest of the Site, field walking has produced finds from a range of dates, including; worked flints dated to the Early Mesolithic to Early Bronze Age (HER: MLE20393); medieval pottery (HER: MLE20394); post medieval pottery and clay pipe (HER: MLE20395) and undated slag (HER: MLE20396).
- 2.2.9 Further to the north (approximately 780m from the Site) , a series of adjoining rectangular enclosures are known from cropmarks (HER: MLE785). Although not definitively dated, these are believed to be Iron Age.
- 2.2.10
- 2.2.11 Under 1.5km north of the Site, a geophysical survey and archaeological trial trench evaluation revealed multiple features, including a pair of parallel ditches that were thought to bear resemblance to a Neolithic cursus (Masden 2000). Later phases of investigation found a late Neolithic pit (Hall 2002), pottery and continuation of the possible cursus (Malone 2000).
- 2.2.12 Approximately 1.5km to the east of the Site an evaluation consisting of geophysical survey and archaeological trial trenches found evidence for Iron Age settlement and land management, as well as a Neolithic tool (Edwards 2010).

#### **Romano-British**

- 2.2.13 During the 19<sup>th</sup> century, in the field directly to the east of the Site, various finds were recovered from a sand ridge including a Roman glass bottle and pottery (Monument Number: 319491)
- 2.2.14 There are three other Romano-British findspots present within a 1km radius of the Site. These include a brooch (HER: MLE18292) which was found approximately 680m east of the Site during trial trenching ahead of developments south of Ridgemere Lane in 2009. The brooch was not associated with any archaeological features. A Roman coin (HER: MLE7734) was recorded in 1800 as having been found at Moody bush, approximately 950m east of the Site. Another Roman coin was found approximately 850m northwest of the Site (HER: MLE7784) this was identified as a copper alloy copy of a 'AE4' Roman coin, dating to the mid-4th century.
- 2.2.15 There is additionally a potential roman road located approximately 800m northeast of the Site boundary (HER: MLE8839). This road is attested by documentary evidence which notes that in 1396 the main road from Melton to Leicester was called 'Le Strete', the Glebe Terrier of 1612 also makes this mention. Physical evidence of the road, although currently not excavated, is indicated by earthworks visible through LIDAR survey, as well as geophysical survey undertaken in 2011 which suggests the route of the road near Kirby Bellars, a further 9km north-east of site. This road followed the route of the current Melton road.

#### **Early Medieval**

- 2.2.16 In the field directly to the east of the Site, early Saxon inhumations with finds including pottery, buckles, a sword and spearhead (Monument Number: 319491) were recovered from a sand ridge during the 19<sup>th</sup> century.
- 2.2.17 An Anglo Saxon burial (HER MLE781) was recorded in the early 19<sup>th</sup> century located under 800m north of the Site. No human remains were recorded, but the burial was believed to represent one rich male burial with grave goods of a bronze vessel with beaded rim, a legged bowl, a glass vessel, a decorated pottery vessel, an iron shield boss, a sword and a spearhead.



### **Medieval**

- 2.2.18 In the Domesday Book, Syston was recorded as a settlement of 30 households, which makes it one of the largest 40% of settlements recorded in Domesday (Powell-Smith 2023). The Site is located approximately 1.15km southwest of the parish church (NHLE: 1074467), suggesting that it was far outside the historic core. The parish church is a Grade I listed building constructed in the 13<sup>th</sup> century with additional 14<sup>th</sup> and 19<sup>th</sup> century works.
- 2.2.19 Barkby, which is located 850m south of the Site, is recorded in the Domesday Book as a settlement with a population of 30 households, which would also put it in the largest 40% of settlements recorded in Domesday (Powell-Smith 2023). The parish church in Barkby (NHLE: 1074500) is dated to the 13<sup>th</sup> century with Victorian restoration work. It is Grade I listed.
- 2.2.20 A possible medieval windmill location (HER: MLE1004) is known from place name evidence on historical maps approximately 420m northwest of the Site.
- 2.2.21 A medieval 'moot' site (HER: MLE437; Monument Number 319499) is suggested by documentary evidence 950m southwest of the Site.

### **Post medieval**

- 2.2.22 Within 100m southeast of the Site boundary there is a 19<sup>th</sup> century farmhouse and barns (HER: MLE23363).
- 2.2.23 Approximately 470m northwest of the Site a windmill location (HER: MLE787) is known through 18<sup>th</sup> and 19<sup>th</sup> century cartographical evidence.

### **Undated**

- 2.2.24 A possible moated site (HER: MLE17316) is known, under 600m east of the Site boundary. This was first noted by geophysical survey in 2009. A potential stone wall (HER: MLE17317) was also detected in this geophysical survey, but neither feature was found during later trial trench evaluation.
- 2.2.25 Approximately 560m southwest of the Site, a possible square stone structure (HER: MLE8733) was detected by geophysical survey in 1999. This remains undated. This survey also suggested the presence of an east-west running ditch (HER: MLE8732).

### 3 RELEVANT LEGISLATION AND GUIDANCE

#### 3.1 Planning context

- 3.1.1 The archaeological evaluation is being undertaken to accompany a planning application for the proposed development of 195 new dwellings, together with open space, landscaping and drainage infrastructure. The results of the evaluation will allow the Local Planning authority to make a decision on the application and the need and scope for any further archaeological mitigation.

#### 3.2 National Planning Policy Framework

- 3.2.1 Developments of this nature are covered by the National Planning Policy Framework (NPPF (Ministry of Housing, Communities and Local Government 2021).

- 3.2.1 The National Planning Policy Framework Section 16, paragraph 194 states :

*“ In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

- 3.2.2 Paragraph 195 states:

*“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

- 3.2.3 Paragraph 203 states:

*“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.”*

## 4 AIMS AND OBJECTIVES

### 4.1 Aims

4.1.1 The general aims of the fieldwork are:

- To assess the evidence for prehistoric activity on the Site, particularly Mesolithic, Neolithic and Bronze Age;
- To identify the presence of any archaeological remains to be affected by any intrusive aspects of the development;
- To attempt to quantify any such archaeological remains which are encountered by identifying, for example, their form, nature, state of preservation and date;

### 4.2 Objectives

4.2.1 The objectives for the project are:

- To Identify the nature and extent of any archaeological remains on the Site;
- To create a record of any identified archaeological remains;
- To undertake a programme of post-excavation analysis, with reference to the research questions set out in section 4.3 below;
- To compile a suitably detailed report presenting the results of the programme of archaeological monitoring;
- To disseminate the results of the evaluation work in an appropriate format;
- To determine the scope and aims of a mitigation strategy if required; and
- To undertake the above in accordance with the ClfA Code of Conduct and relevant Standard and Guidance documents, and all other industrial guidance.

### 4.3 Research Agenda

4.3.1 The archaeological evaluation provides an opportunity to contribute to Research Themes and Objectives outlined in the East Midlands Heritage: An Updated Research Agenda and Strategy for the Historic Environment of the East Midlands (Knight et al 2012) (Interactive Digital Platform available at: <http://www.researchframeworks.org/emherf>).

<b>Mesolithic c.9500 – c.4000 cal BC</b>
<b>2.1 Periods of transition</b>
2.1.2: What can analyses of sites contribute to studies of continuity and change during the Mesolithic period?
2.1.3: How may we elucidate further the transition from the later Mesolithic to the earlier Neolithic?
<b>2.3 Identification of site types</b>
2.3.2: How far may studies of the size, shape and locational characteristics of lithic scatters and analyses of the associated lithic artefacts contribute

to the identification of site types in the later and earlier Mesolithic?
2.3.3: What range of structural remains may survive on open-air sites across the region (particularly below alluvium and other masking deposits)?
2.3.4: How can we enhance the lithic scatter data retrieved during fieldwalking to clarify the size and shape of activity foci?
2.3.5: How far can we elucidate by targeted excavation the character of sites represented by surface lithic scatters?
<b>2.4 Lithic artefact chronologies</b>
2.4.1: Can we refine further by detailed typological analyses of survey and excavation the chronology of Mesolithic lithic industries, and in particular those overlapping Late Upper Palaeolithic and earlier Neolithic traditions?
<b>Neolithic and Early to Middle Bronze Age c.4000–c.1150 cal BC</b>
<b>3.1 Dating</b>
3.1.1: How may radiocarbon and other scientific dating methods be applied most effectively to refining the period's imprecise chronological framework?
3.1.2: How can we date more precisely the various regional styles of Neolithic and earlier Bronze Age pottery?
3.1.3: Can we further refine lithic artefact chronologies within the region?
<b>3.2 Continuity of hunter-gatherer traditions</b>
3.2.1: To what extent may hunter-gatherer subsistence traditions have continued into the Neolithic?
3.2.2: Can we discern continuities or discontinuities in the distributions of later Mesolithic and earlier Neolithic lithic scatters?
3.2.3: How may environmental sampling strategies assist in elucidating the transition from later Mesolithic to earlier Neolithic economies?
<b>3.3 Introduction, character and development of agriculture</b>
3.3.1: When was the transition from nomadic to semi-sedentary and sedentary communities and to what extent did this vary in different landscapes?
3.3.4: When did the first field and boundary systems develop, how did this vary regionally and what processes may underlie their development?
<b>3.4 Exploitation of different landscape zones</b>
3.4.3: Can we further refine our knowledge of the selective use of particular landscapes for ritual, agriculture and other activities?

<b>3.5 Settlement patterns</b>
3.5.1: How may we characterise more effectively the frequently ephemeral structural traces that might relate to settlement activity?
3.5.4: What may analyses of surface lithic scatters teach us about developing settlement patterns in the region?
<b>Late Bronze Age and Iron Age c.1150 cal BC–AD 43</b>
4.4 Middle Iron Age settlements (c.450 – 100 BC)
4.4.1: Why were settlements increasingly enclosed during this period and to what extent may the progress of enclosure have varied regionally?
4.5.3: How may nucleated and other settlements have developed in the Roman period?
4.6 Field systems and major linear boundaries
4.6.1: Can we shed further light upon the development of field and boundary systems?
<b>Romano-British AD 43-c.410</b>
<b>5.4 Rural settlement patterns and landscapes</b>
5.4.1: How did the Conquest impact upon rural settlements and landscapes?
<b>5.5 The agricultural economy</b>
5.5.4: Can we chart more closely the processes of agricultural intensification and expansion and the development of field systems?
<b>5.6 Artefacts: production, distribution and social identity</b>
5.6.1: What resources moved in and out of the region during this period?
5.6.3: How may studies of the production, movement and consumption of pottery contribute to understanding of the regional economy?
5.6.6: What can artefact research contribute to studies of eating, drinking and other manifestations of social identity?
<b>Early Medieval c. AD 410–1066</b>
<b>6.1 Demography and the identification of political and social groups</b>
6.1.1: What may be deduced about changes in diet, mortality and other demographic variables from osteological studies of Anglo-Saxon cemeteries, and how might this have varied spatially and over time?
6.1.2: What was the relationship between indigenous communities and Germanic populations, and how may this have varied spatially and over

time?
6.1.4: How far may studies of dress be advanced by analyses of inhumations, and how may dress accessories reflect social or political groupings?
<b>6.2 Ritual and belief</b>
6.2.2: Can 'sub-Roman' or 'British' cemeteries and cemeteries dating from the late seventh to ninth centuries be identified?
6.2.3: Can we characterise more precisely Anglo-Saxon and Viking cemeteries and identify temporal or spatial variability in funerary traditions?
<b>6.7 The agricultural economy and rural landscape</b>
6.7.3: How early may crop rotation and the open-field system have developed, and how may this relate to other agricultural innovations such as mouldboard ploughs, water meadows and land-drainage?
<b>High Medieval 1066–1485</b>
<b>7.7 The agrarian landscape and food-producing economy</b>
7.7.1: Can we shed further light upon the origins and development of the open-field system and its impact upon agricultural practices?
7.7.3: What can we deduce about changes in woodland management and animal or crop husbandry (including new crops, crop rotation, field systems, more intensive cultivation of clay soils and larger animals, particularly sheep)?

## 5 METHODOLOGY

### 5.1 General Conditions

- 5.1.1 All works will be undertaken in accordance with this WSI as approved by Sophie Clarke, the Senior Conservation Officer for Charnwood Borough Council and according to standards and guidance in Standard and Guidance: For an Archaeological Field Evaluation (CIfA 2020) and Code of Conduct (CIfA 2021).

### 5.2 Archaeological Trench Evaluation

- 5.2.1 33 trenches, each measuring 50m x 2m will be excavated across the Site representing 4% of the proposed development area. There is contingency for a further 1% of the Site if necessary
- 5.2.2 The trenches will be randomly distributed across the site in locations agreed with Sophie Clarke, the Senior Conservation Officer for Charnwood Borough Council (Figure 01).
- 5.2.3 The location of all trenches will be located with reference to the Ordnance Survey National Grid by GPS, Leica CS15/GS15 RTK Differential GNSS, prior to further investigation. If it is impractical to use GPS, the Total Station will be used as an alternative.
- 5.2.4 All machining will be completed with a toothless ditching bucket under archaeological supervision with stripping and spoil removal arranged so as to avoid any tracking across the stripped surface. Details of plant to be used will be provided before the start of any excavation by the client. Prior to excavation areas will be scanned with a CAT scanner to locate any services that may not be shown on services plan supplied by the client.
- 5.2.5 Stratigraphy will be removed in spits no greater than 250mm. Trenches will be excavated to the first archaeological horizon or the natural substrate, to a maximum of 1.2m
- 5.2.6 Deposits will be stored at a safe distance from the trench edge, allowing space for future stepped access. Spoil will be checked for artefacts, including the use of a metal detector when deemed appropriate. The location of any artefacts recovered in the made ground will be recorded three-dimensionally or by context/spit if appropriate.
- 5.2.7 Any features identified will be hand-cleaned. Following scanning by a metal detector features will be sample excavated sufficient to determine their plan and form, and to recover any datable artefacts.
- 5.2.8 Feature fills will be removed by contextual change (the smallest usefully definable unit of stratification) and/or in spits no greater than 100mm. Substantial features will be hand excavated to a maximum depth of 1m, or a perceived safe depth if the sides are unstable.
- 5.2.9 All excavated features and deposits will be fully recorded in line with the recording methodology outlined below.
- 5.2.10 On completion of the fieldwork the open trenches will be backfilled by machine, this does not include full reinstatement by York Archaeology ( ie turfed or re seeded)
- 5.2.11 If features or deposits of archaeological significance are identified during groundworks, an appropriate sampling strategy will be developed in consultation with RPS and the Senior Conservation Officer, in line with methodology described in 5.3.7. below.

- 5.2.12 If human remains are encountered RPS and Senior Conservation Officer for Charnwood Borough Council together with the local Coroner must be informed immediately. Disturbance will be avoided wherever possible and remains left in situ. Where removal is deemed necessary following discussion with, and the approval of, the client and the Senior Conservation Officer, the necessary burial license will be obtained in line with the current Ministry of Justice procedures. The excavation of any human remains will be carried out in accordance with Updated Guidelines for the Standards for Recording Human Remains (Mitchell and Brickley 2017) and the post exaction assessment will contain an analysis of the remains and a statement for the final deposition of the assemblage. The qualified statement must address future research potential, where applicable, and the options for reburial.
- 5.2.13 In the event of the discovery of any artefacts which constitute Treasure, these artefacts will be archaeologically removed to a safe location and reported to the coroner within 14 days in accordance with the procedures of the Treasure Act 1996 and the Code of Practice 1997. All treasure should be reported to the local Finds Liaison Officer.

### **5.3 Recording and Sampling**

- 5.3.1 Trench locations will be surveyed using a GPS, Leica CS15/GS15 RTK Differential GNSS, and will show at least the top of the trench, the base of the trench both with levels expressed as O.D. values, the trench number and any features, drawings and interventions.
- 5.3.2 Plans of all contexts including features will be surveyed using a GPS, Leica CS15/GS15 RTK Differential GNSS, and will show at least: context numbers, all colour and textural changes, principal slopes, levels expressed as O.D. values, or levelled to permanent features if a benchmark is absent, sufficient details to locate the subject in relation to OS 1:2500 mapping.
- 5.3.3 Sections will be drawn on drafting film in pencil at a scale of 1:10/1:20/1:50 (as appropriate) and will show the same information, but levelling information will be given in the form of a datum line with O.D./arbitrary value. The locations of all sections will be surveyed.
- 5.3.4 Digital images of each context will be taken together with general views illustrating the principal features of the excavations.
- 5.3.5 Written records will be maintained as laid down in the YA recording manual (York Archaeology 2015).
- 5.3.6 The location of any artefacts including those recovered in the topsoil/subsoil will be recorded by context/spit, or three-dimensionally if determined to be of exceptional archaeological significance.
- 5.3.7 Where appropriate features are identified, soil samples will be retrieved in order to undertake palaeoenvironmental sampling. The sampling of features will follow procedures set out within Historic England guidelines in Environmental Archaeology (HE 2015b). Samples will generally be 40 litres if possible and will be processed within the York Archaeology Environmental Lab, under the supervision of York Archaeology Environmental Officer Stacey Adams. Waterlogged deposits will be 20L and taken at measured intervals through a sequence. If possible, samples will be recovered in kubiena tins for subsampling at York Archaeology facilities for microfossil assessment.



5.3.8 Depending on the type of deposits identified, soil samples may also be retained for the purposes of retrieving industrial residues or for the provision of scientific dating (e.g. C14 dating).

5.3.9 A preliminary Site sampling strategy can be found in Table 1.

## 5.4 Post Excavation

5.4.1 All finds will be cleaned, conserved, marked and stored as recommended in 'First aid for finds' (Watkinson and Neal 1998), and marked with the site and find codes, and relevant accession numbers. These will be deposited with the Leicestershire Museum Service, on completion of the report.

5.4.2 The following table of specialists is an example of those who may perform post-ex artefact identification. The final list of individuals who are consulted for this project will be assembled subject to approval by the Senior Conservation Officer for Charnwood Borough Council.

Specialist	Class	Int	Ext
Animal Bones	Kris Poole	X	
Geoarchaeology	Kristina Krawiec	X	
Radiocarbon Dating	SUERC		X
Metalwork	Ian Riddler		X
Slag/Industrial Residues/XRF	Gerry McDonnell		X
Medieval Pottery	Chris Cumberpatch/Anne Irving		X
Post-Medieval Pottery	Chris Cumberpatch/Anne Irving		X
Architectural Stone	Chris Brooke/Kevin Hayward		X
Enviro. Processing	Site assistant	X	
Enviro Analysis/Reporting	Stacey Adams	X	
Coins	Steve Malone	X	
Pollen	Tom Hill		X
Shell	Matt Law		X
Leather	Ian Riddler		X
Conservation (inc X Ray)	Ian Panter (YAT Conservation Lab)	X	
Finds Illustration	Alison Wilson	X	
Osteoarchaeology	Victoria Owen	X	
Clay Tobacco Pipe	Alison Wilson	X	

Glass – Roman/medieval	Ian Riddler		
Glass – Post-medieval	Alison Wilson	X	X
CBM/Tile	Phil Mills/Anne Irving	X	
WL Wood	Kristina Krawiec/Steve Allen/Mike Bamforth (University of Sheffield)	X	X

## 5.5 Archive

5.5.1 The archive will be fully catalogued and prepared to recognised standards (Brown 2007) and contain where relevant: copies of correspondence relating to fieldwork, site notebooks/diaries, original photographic records, site drawings (plans, sections, elevations), original context records, matrix diagrams showing stratigraphic sequence of all contexts, artefacts, original finds records, original sample records, original skeleton records, computer discs and printouts.

## 5.6 Archive and Finds deposition

5.6.1 Contact with the Leicestershire Museum Service will be made prior to the commencement of fieldwork. Final deposition will be made using the appropriate notification form and adhering to all relevant Conditions.

5.6.2 The Senior Conservation Officer for Charnwood Borough Council and Leicestershire museum curator will be notified in writing on completion of fieldwork, with a proposed timetable for deposition of the archive. This should be confirmed in the project report. The Nottingham City Archaeologist must be informed in writing on final deposition of archive.

5.6.3 The paper and digital archive generated by York Archaeology will remain the property of the unit until deposited with the appropriate museum.

5.6.4 Where necessary the documentary archive will be sent to the HER for copying.

5.6.5 Finds will remain the property of the client with deposition to the appropriate museum being made subject to their approval.

5.6.6 At the start of work (immediately before fieldwork commences) an OASIS online record <http://ads.ahds.ac.uk/projects/oasis/> will be initiated and key fields completed on Details, Location and Creators Forms. All appropriate parts of the OASIS online form will be completed for submission to the County HER. A digital copy of the report will be uploaded with the online OASIS record, which will be released onto the Archaeological Data Services (ADS) at an appropriate time.

5.6.7 The archive will be deposited within 6 months of the completion of the project.

## 5.7 Report

5.7.1 A report will be completed within 4-6 weeks of completion of the fieldwork phase of the project.

5.7.2 The final report will include:

- a) cover page
- b) list of contents, figures, tables, etc
- c) non-technical summary
- d) introduction
- e) planning background
- f) archaeological and historical background
- g) methodology
- h) results
- i) discussion
- j) conclusion
- k) OASIS cover sheet

5.7.3 The cover page of the final report will contain the following information: a) the full site address (name if applicable); b) the site code and the museum accession number; c) an OS National Grid Reference for the site; d) the name of the author of the report and/or its originating body; e) date of the report (month and year); f) planning application number.

5.7.4 With the approval of the client the results will be submitted for publication within the annual summary, if applicable. If significant results are discovered then an individual report of an appropriate level of detail, will also be submitted for publication to a suitable academic journal and a presentation made to local archaeology/history societies or similar bodies.

5.7.5 York Archaeology shall retain full copyright of any commissioned reports, tender documents, or other project documents, under the Copyright, Designs and Patents Act 1988 with all rights reserved excepting that it hereby provides exclusive licence to the client and their appointed agent/consultant for the use of such documents in all matters directly relating to the project, with no limitation on the number of times that the client/consultant may reproduce any report.

## **5.8 Monitoring**

5.8.1 Where possible a minimum of 7 working days prior notice of the commencement of the development is to be given to the Senior Conservation Officer for Charnwood Borough Council.

5.8.2 The Senior Conservation Officer for Charnwood Borough Council may make monitoring visits throughout the duration of the evaluation and will be kept informed of all material facts relating to the excavation.

5.8.3 All phases of the investigation will be undertaken in line with the relevant 'Standard and Guidance' documents prepared by ClfA (2020a & 2020b).

## **5.9 Access, Health & Safety and Insurance**

- 5.9.1 The client will arrange safe access to the land.
- 5.9.2 The client will provide plans showing all services/service routes within the development area.
- 5.9.3 All health and safety requirements will be adhered to. York Archaeology will complete a task-specific risk assessment and safe working method statement before the commencement of the fieldwork, and copies of this will be approved by the client. This will be in compliance with the industry guidelines laid out in the Federation of Archaeological Managers and Employers (FAME) Manual Health & Safety in Field Archaeology (2006). York Archaeology staff will wear appropriate personal protective equipment (PPE) at all times.
- 5.9.4 York Archaeology carries the appropriate insurance, copies of which are available for inspection if required.

## **5.10 Timetable**

- 5.10.1 The timetable for phased archaeological mitigation within the site is to be determined in liaison with York Archaeology and the client.
- 5.10.2 After the completion of the fieldwork the report on its findings will be produced within 4-6 weeks and the archive will be assembled and deposited within 6 months.

## **5.11 Staffing**

- 5.11.1 Provisional list of staffing. Full CVs can be supplied on request.
- Project Manager: Tom Hooley, Project Manager: [thooley@yorkat.co.uk](mailto:thooley@yorkat.co.uk)
  - Project Team staff will be selected from the supervisory tier staff at York Archaeology, with selected individuals' dependant on timetable and availability, and to be confirmed at a later date.

Feature type	Sediment conditions	Overall scope of sampling	MM	Charred material	C14	OSL	Pollen/Diatom	Ch	BP/BS	Bo	Wood
Sampling method:			Undisturbed block sample small kubiena tin	Loose bulk sample, representative of particle size, and quantity for desired methods	A4x1 cm (sea)	Light-tight canister, moisture/sediment sample; where available, gamma spec background radiation measurement.	column in gutter + Clingfilm	Min.40L for dry deposits or 20L from waterlogged deposits (specialists to advise as to appropriate level of sub sampling of deposit)			In bags with water
Archaeological Feature/ buried soil	Waterlogged organic (looks 'peaty')	Each occurrence series of samples if thick (>150mm)		x			x	x	x	x	x
	Dry visible charred material	Each occurrence (C14 selected: best is twigs then layer)	x	x	x			x		x	
	Waterlogged organic	Each occurrence, at thickest point or every 10cm	x		x		x	x	x	x	x
	Dry visible charred material	Each occurrence, at thickest point, series of samples if thick (>150mm)	x		x		x	x		x	
	Buried soil horizon	Across soil profile	x			x	x	x			
Sediment change, reaction to environmental change	Laminated or changes in sediment in profile	Sample of each sedimentation type, in middle of sediment unit, or over equal interval		x	x		x				
Any	Wood structure	Retain all, keep damp, bag each timber separately			x						x
Industrial residues / debris etc.		All process stages to be represented						x			
<b>Abbreviations</b> MM Micromorphology C14 Radiocarbon BP Waterlogged Beetles/Plant remains Bo small bone. BS –Bulk Sample (industrial waste/residues/processing debris) CS Sediment sample											

**Table 1: Preliminary Site Sampling Strategy**

\*Adjustments to be made following specialist advice and liaison with HE/ Senior Conservation Officer for Charnwood Borough Council where appropriate.

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## FIGURES



47 Aldwark  
York  
YO1 7BX

Unit 1 Holly Lane  
Chilwell, Nottingham  
NG9 4AB

54 Campo Lane  
Sheffield  
S1 2EG

Albex House  
1 Marchfield Drive, Paisley  
PA3 2RB



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Figure 01 - Location Map  
 Land North of Barkby Road, Syston

Scale at A4 - varies  
 Drawn by MI



## **Appendix I**

Letter from Secretary of State to Council Leaders (8<sup>th</sup> September 2023)



## Department for Levelling Up, Housing & Communities

**Rt Hon Michael Gove MP**

*Secretary of State for Levelling up, Housing & Communities*

*Minister for Intergovernmental Relations*

2 Marsham Street

London

SW1P 4DF

All Council Leaders/Chief Executives and  
other Local Planning Authorities in England

8 September 2023

Dear Colleagues,

### **LONG-TERM PLAN FOR HOUSING**

In July, I set out the Government's long-term plan for housing. The role of local government cannot be overstated in delivering our plan – it is only through the continued effort of local leadership, the endeavour of your teams and the engagement you lead with your communities that we will unlock the homes we need. I therefore wanted to highlight the principal elements of our long-term plan that relate to your role.

#### **Building more homes in the right places**

First and foremost, this Government is unashamedly supportive of development and regeneration in and around existing town and city centres. This is how we will get homes built where it makes sense, support growth, and enable people to get on the property ladder.

And making it easier to progress such developments is front of mind as we finalise the update to the National Planning Policy Framework (NPPF), following our consultation which attracted more than 26,000 responses. In that context, and ahead of the publication of the refreshed NPPF in the autumn, I wanted to make clear my expectation that:

- development should proceed on sites that are adopted in a local plan with full input from the local community unless there are strong reasons why it cannot;
- councils should be open and pragmatic in agreeing changes to developments where conditions mean that the original plan may no longer be viable, rather than losing the development wholesale or seeing development mothballed; and
- better use should be made of small pockets of brownfield land by being more permissive, so more homes can be built more quickly, where and how it makes sense, giving more confidence and certainty to SME builders.

#### **Local plans**

Second, we know that local plans are the best way to ensure the right homes are built in the right places, so we are introducing reforms to make plans simpler, shorter and faster to prepare.

My intention is for the regulations, policy and guidance necessary for the preparation of the first new-style local plans to be in place by Autumn 2024. In the new system, planning authorities will need to prepare, consult on and adopt plans within a 30-month timeframe - and follow the same process for each subsequent update of their plans, including examination by PINS.

In the interim, we want local authorities to continue adopting ambitious local plans, which is why we set out fair transitional arrangements in our current consultation on implementing the plan-making reforms<sup>1</sup>. As part of these arrangements, we confirmed our intent that the last day to submit a plan under the current system will be 30 June 2025. I want to reiterate that local authorities without an up-to-date local plan are likely to be subject to the presumption in favour of sustainable development when facing applications.

As part of our consultation on the update to the NPPF, we have proposed removing the requirement for planning authorities with an up-to-date plan to demonstrate continually a deliverable 5-year housing land supply. This proposed change is intended to provide what I hope is welcome flexibility – but only where it is warranted by an authority having an up-to-date local plan, meaning one which is less than five years old. As a consequence, in the new system a planning authority wishing to benefit continuously from this new flexibility would need to start work on a new plan half-way through the five-year lifespan of an existing one.

We also consulted on a proposal to make clearer that Local Housing Need (LHN) is an advisory starting point for plan making, and that local authorities can take account of local circumstances when planning for the homes our communities need. Again, my intent in considering this change is to support more effective and responsive plan-making – and any housing number put forward by a local authority would still need to be both evidence based and tested by PINS at examination.

### **Planning capacity and capability**

Finally, I have been conscious of the pressures on planning teams, and the backlogs that have built up as a consequence of the pandemic. To help address some of those pressures, I announced in July several initiatives aimed at bolstering capacity and capability.

- The Planning Skills Delivery Fund will provide £24m over two years to help clear backlogs of planning applications and prepare for the implementation planning reforms. Local authorities can apply for up to £100,000 of support, which can be used to source additional planning officers and other specialist resources – with the deadline for first year applications closing very soon on 11 September.
- A new “super squad” of experts, backed by £13.5m of new funding, will support the delivery of large-scale development projects, starting with supporting the Cambridge Delivery Group before looking at sites across England, including in our eight Investment Zones. The department is in the process of operationalising this work with Homes England.
- A comprehensive national survey of all local planning authorities will give us a fuller understanding of the skills challenges and shortages facing local government.

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<sup>1</sup> <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>

- National planning fees will be increased by 35% for major applications and 25% for all other applications and be indexed to inflation.

I hope these measures will be welcome, and I look forward to continuing to work together with all of you to deliver the homes people need.

A handwritten signature in black ink that reads "Michael Gove". The signature is written in a cursive style with a large initial 'M'.

**RT HON MICHAEL GOVE MP**

*Secretary of State for Levelling up, Housing and Communities*

*Minister for Intergovernmental Relations*



## **Appendix J**

Local Plan Inspectors Letter dated 22<sup>nd</sup> August 2023

**Charnwood Local Plan Examination**  
Inspectors - Mrs S Housden BA (Hons) BPI MRTPI &  
Mr Hayden Baugh-Jones MRTPI  
Programme Officer – Mr Ian Kemp  
[jdkemp@icloud.com](mailto:jdkemp@icloud.com)  
07723 009166

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Mr R Bennett  
Head of Planning and Regeneration  
Charnwood Borough Council  
Southfield Road  
Loughborough  
Leicestershire  
LE11 2TX

21 August 2023

Dear Mr Bennett,

**Charnwood Local Plan Examination**

Thank you for your letter of 14 August 2023.

The Council's commitment to progressing the local plan is noted and welcomed. As you have indicated, the next step is to consult on the documents as are set out in your letter –the proposed approach to increasing land supply (Exam 56 with updates to housing land supply data), the Sustainability Appraisal Addendum (Exam 57), and the updated completions and housing land supply monitoring data.

As you are aware, Leicestershire County Council has sent us a document entitled 'Transport Strategies to Enable Growth in the Borough of Charnwood'. That has been done in response to the request in our letter of 23 May 2023, that the broad contents of, and the framework for, the Transport Strategies for the Loughborough Urban Centre, Shepshed Urban Area, North of Leicester and Soar Valley should be identified and submitted to the Examination.

We consider that the document sets out a clear approach to the development of the strategies and the next steps in their development are clearly identified. The level of detail is proportionate in relation to the level of evidence required for the examination, and for the consultation. The mechanism for, and documentation behind, the requirement for developer contributions is a matter for the authorities to resolve in due course, however we note the Council's position that a decision on that matter will be made in conjunction with the adoption of the plan.



We note the scope of, and timescale for, the update to the viability report to incorporate EXAM 32 and 32a and to reflect the implications of increased school build costs and the indicative costs of the Transport Strategies.

We will continue to liaise with you via Mr Kemp to progress the timescale and arrangements for consultation on the above documents. If there are any questions in the meantime, please let us know.

A copy of this letter should be put onto the Examination website.

Yours sincerely

*Sarah Housden and Hayden Baugh Jones*

**INSPECTORS**