



TOWN AND COUNTRY PLANNING ACT 1990

Section 78 Appeal by TAYLOR WIMPEY (UK) LTD

OUTLINE APPLICATION FOR UP TO 195 DWELLINGS, TOGETHER WITH ASSOCIATED AFFORDABLE HOUSING, OPEN SPACE, LANDSCAPING, DRAINAGE AND PLAY SPACE FACILITIES. ALL MATTERS RESERVED BAR ACCESS WHICH IS PROPOSED FROM BARKBY ROAD.

Land North of BARKBY ROAD, SYSTON

PLANNING APPLICATION REF: P/21/2639/2

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

CHARNWOOD BOROUGH COUNCIL

SUMMARY PROOF OF EVIDENCE

24th October 2023

by
Liam Ward
Principal Planning Officer at Charnwood Borough Council



Charnwood Borough Council's Summary Proof of Evidence

Table of Contents

1.	Introduction	3
2.	Non-determination of the Application	3
3.	The Proposal as Varied	4
4.	Planning History and Policy	4
	Draft Charnwood Local Plan 2021-2037 (submitted Dec '21).....	4
5.	Matters Which Have Changed Since the Committee Report	5
	Highway Conditions.....	5
	Archaeology	5
6.	Planning Obligations	5
	Highway Contributions.....	6
7.	The Planning Balance	6

In this Summary reference is often made to other documents in the format **(CD x.xx)**. This is a reference to a “Core Document”, which can be viewed on this Public Inquiry’s dedicated web page. [Link to Core Documents](#).



1. Introduction

- 1.1 This appeal relates to an outline planning application for permission to develop lands at the south-eastern edge of Syston for up to 195 dwellings. All matters are reserved, except for access. The site lies outside the Limits of Development defined in the extant development plan. It is a draft housing allocation site in the emerging development plan.
- 1.2 The consideration of the application is described in detail within the Committee Report presented to Charnwood Borough Council's Plans Committee on 17th August **(CD 4.01)**. Since that report was drafted further information has emerged, such that the planning balance discussed in that report has altered.

2. Non-determination of the Application

- 2.1 The subject planning application had not been determined by the date of submission of the appeal under section 78 of The Town & Country Planning Act 1990. Responses from the local highway authority (LHA) expressed dissatisfaction with the applicant's submissions and asked for further information to be provided.
- 2.2 The latest submission by the applicant was on 29th June 2023 **(CD 2.18)**.
- 2.3 A "Substantive Response" was made by the LHA on 17th August **(CD 3.26)**, which reported in its opening paragraph:

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

- 2.4 Since then, the LHA has varied obligations sought. A final version was offered by the County Council on 4th October **(CD 9.06)**.



3. The Proposal as Varied

- 3.1 The appellant has submitted a revised Concept Masterplan.
- 3.2 The position of the access has been changed to reflect that shown on **(CD 2.14)**, the technical drawing showing the proposed access and right-turn lane.
- 3.3 Provision has been made in the revised masterplan for the enhancement of the access's junction such that a roundabout **(CD 2.15 page 12)** could be developed in place of the right turn lane, if the lands to the south of Barkby Road are developed. The appellant has agreed to enter into a legal agreement with the LHA and the local planning authority (LPA) in order to protect the opportunity to improve the junction.
- 3.4 A Location Plan **(CD 8.01)** reduces the extent of the red line area such that the revised boundary is on the centre line of a field boundary hedge.

4. Planning History and Policy

- 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 **(CD 4.01)**.
- 4.2 The reader is also invited to review the Committee Report, the Statements of Case **(CD 9.01)**, **(CD 9.03)** and the Statement of Common Ground **(CD 9.08)** for a detailed analysis of the Development Plan policies most important to the determination of this appeal, and other material considerations.

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

- 4.3 It is anticipated that the draft Charnwood Local Plan 2021-2037, as modified (if necessary), will be adopted during Q1 2024.
- 4.4 The weight given to relevant policies in emerging plans may increase as it reaches different stages. Some of the most relevant policies may have increased weight before the Inspector's decision is made.



5. Matters Which Have Changed Since the Committee Report

Highway Conditions

- 5.1 The statement by LCC on CIL compliance **(CD 9.06)**, describes financial contributions toward highway capacity improvements instead of a requirement for the developer to make the improvements. The contribution sought from this appellant is a percentage of the total cost of work at the same junctions included in proposed conditions 4 and 5 in that earlier response **(CD 3.26)**.
- 5.2 Therefore, in the schedule of draft conditions tabled by the LPA in respect of this appeal, the draft conditions drawn from the substantive response from the LHA will exclude its proposed conditions 4 and 5.

Archaeology

- 5.3 York Archaeology prepared a “Report on an Archaeological Trial Trench Evaluation” **(CD 2.20)**. The report’s summary records that features of Romano-British date assets were found on the southern field within the application site. It identifies an area, illustrated on its Figure 10, measuring circa 0.345 hectares within which further archaeological excavation and recording should be undertaken, plus a 15% area buffer. The necessary exploration can be safeguarded by the use of planning conditions.

6. Planning Obligations

- 6.1 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). These requests dated 4th October 2023 **(CD 9.06)** are based upon a review of its infrastructure requirements.
- 6.2 The Leicester, Leicestershire & Rutland Integrated Care Board to Charnwood Borough Council asked for a contribution of £94,984 **(CD 3.28)**, to be applied to



increasing access to General Practice services at The County Practice and the Jubilee Medical Practice.

Highway Contributions

6.3 The 4th October 2023 letter from LCC Highways to the Inspectorate (**CD 9.06**), schedules a series of financial obligations sought by the county council in respect of highways and transportation matters, as set out below.

Travel Packs	£10,305.75 toward travel packs which will encourage safe and sustainable transport, at £52.85 per dwelling
Bus Passes	£140,400 toward bus passes, at 2 passes per dwelling at £360 per pass
Travel Plan Monitoring	£6,000.00 toward Sustainable Travel Accreditation and Recognition Scheme monitoring
Local Highway Mitigation	£59,841 toward costed £430,510 junction improvement costs £196,650 toward public transportation costs of £450,000. £7,500 toward Traffic Regulation Orders.

6.4 All of the contributions sought by the Highway Authority are agreed by the Appellant and considered by the Local Planning Authority to be CIL compliant.

7. The Planning Balance

7.1 Recognising the primacy of the extant development plan in the consideration of this development proposal, the application was assessed against the development plan policies. The policies are listed in the Committee Report (**CD 4.01**).

7.2 The proposal conflicts with saved policies CT/1, CT/2 and ST/2 of the Local Plan.

7.3 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.



- 7.4 The conflict with saved policies CT/1, CT/2 and ST/1 of the Local Plan, and policy M11 of the Leicestershire Minerals and Waste Local Plan are weighed in the planning balance. At the date of this Proof policy DS3 carries only limited weight, but that may change during the course of this appeal.
- 7.5 The County Minerals Authority do not object to the emerging allocation or the appeal proposal.
- 7.6 The report from the appellant's archaeologist (**CD 2.19**) suggests that planning conditions which require some further excavation and investigation will be sufficient to allow the heritage impacts of the scheme to be understood.
- 7.7 The material considerations of NPPF paragraph 11d and the emerging Local Plan are important 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 high likelihood that this site allocation will become an adopted housing allocation a few months after this appeal is determined.
- 7.8 The Local Highways Authority confirmed on 17th August 2023 (**CD 3.26**) that it is satisfied with the proposal, subject to planning conditions and obligations.
- 7.9 The Planning Authority can demonstrate a 4.27-year supply of deliverable housing land (**CD 10.15**). When that figure is below 5 years, and 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 in this case, unless one, or both limbs of exception tests are satisfied.
- 7.10 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."
- 7.11 There are no adverse impacts, that could not be mitigated by planning conditions, which are so significant that they would outweigh the benefits arising from the contribution which the proposal would make to the affordable and market housing supply proposed. 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, 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.