

## Item No. 4

### Application Reference Number P/17/1578/2

<b>Application Type:</b>	Outline Planning Permission	<b>Date Valid:</b>	27/07/2017
<b>Applicant:</b>	Barwood Development Securities Ltd		
<b>Proposal:</b>	Outline application for up to 170 dwellings with associated open space, landscaping, extension to cemetery, new allotments, access, surface water attenuation and associated works including demolition of 94 Ratcliffe Road and conversion of existing farm buildings. (Access only to be considered at outline stage).		
<b>Location:</b>	Peashill Farm Ratcliffe Road Sileby Leicestershire LE12 7QB		
<b>Parish:</b>	Sileby	<b>Ward:</b>	Sileby
<b>Case Officer:</b>	Andrew Thompson	<b>Tel No:</b>	01509 634735

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## Background

Members will recall this application was considered at the 7th December 2017 Plans Committee. Members resolved to refuse the application contrary to the officer's recommendation due to:

- The absence of a proposed mitigation option that the Highway Authority considers to be acceptable. Most particularly, one that takes account of the physical environment, mainly the lack of visibility due to the church wall and the narrow footways at the Mountsorrel Lane/Barrow Road Junction and due to the impact of traffic on minor rural roads having regard to policy TR17 of the Charnwood Borough Local Plan.

The application has been brought back to Plans Committee as in the opinion of the Head of Planning and Regeneration, it is an application of significant public interest and because of the following reasons which need to be brought to members' attention and which impact upon the reasons the committee gave for resolving to refuse the application on the 7th December 2017 and that have therefore resulted in the decision notice not being able to be issued.

## Updated Position

Since the Committee made the resolution, it has been identified that Charnwood Local Plan Policy TR/17 is not a Saved Policy, and therefore further clarification is required from the Plans Committee on whether the committee wish to sustain this reason for refusal as it could be considered unjustifiable.

Furthermore, the Highway authority has submitted a further clarification on their position in respect of the applications at Seagrave Road (P/15/0047/2) for up to 195 dwellings (which appears elsewhere on the agenda) and Peashill Farm (P/17/1578/2) for up to 170 dwellings in the context of the Sileby and Barrow upon Soar Transport Study.

The Highway Authority clarification advises:

*The Local Highway Authority has considered both the Seagrave Road (P/15/0047/2) and Peashill Farm (P/17/1578/2) planning applications in the context of the Sileby and Barrow upon Soar Transport Study. The study took account of potential housing numbers from new developments based on the live planning applications that were known at the time the study was undertaken. The purpose of the study only considered numbers of dwellings and not whether or not those individual applications should be granted planning permission. Therefore in the context of that study and its conclusion, without an agreed scheme of mitigation there is currently capacity for 195 new dwellings before the highway impact would be considered severe. The housing numbers that have been considered in dealing with these applications purely relate to what could be delivered in Sileby and do not relate to any applications in Barrow upon Soar.*

*In relation to these two applications, there are no site specific highway issues arising from either development that cannot be mitigated against. Therefore from a highways perspective the applications are considered to be comparable. On this basis and without an agreed scheme of mitigation, there is the highway capacity for one of these applications to be approved. [Emphasis added]*

*Whilst a number of options for a mitigation scheme for the Barrow Road/Mountsorrel Lane junction have been put forward by the Peashill Farm applicants none of these options are considered to be acceptable to mitigate the impact of development. A key factor is the lack of available highway land in which to deliver an improvement at this junction.*

*On the current information the advice of the highway authority is therefore that one of these applications could be approved without a scheme of mitigation for the Barrow Road/Mountsorrel Lane junction and if this advice were to be followed then it would follow that without mitigation the other application would be considered to have a severe impact on the highway and a highway reason for refusal on that basis would be advised. If one application were to be approved there are no technical highway reasons on which to base this decision.*

On the issue of cumulative impact the Local Highway Authority advice is that:  
*“the highway authority advice would be that without a scheme of mitigation there would be a severe impact on the highway and there is not currently an agreed scheme to mitigate this impact. If planning committee are minded to approve both applications the Local Highway Authority would advise that both applicants work together to identify a scheme of mitigation that is agreed with the Local Highway Authority”.*

## **Consideration of the Planning Issues following the update**

In respect of the reason for refusal, members will recall they resolved to refuse the application due to the impact of traffic on minor rural roads having regard to policy TR17 of the Charnwood Borough Local Plan. As indicated in the update section of this report, it has been identified following the meeting that Local Plan policy TR/17 has not been saved. It is therefore considered that the reason provided could be unsound.

In light of the above lawfulness concern and that the clarification documentation received from the highway authority also clearly states unequivocally that there is capacity for up to 195 dwellings in Sileby without mitigation being required, it is considered that the Plans committee's concerns expressed in relation to TR/17 at the Plans committee on the 7th December 2017 cannot be sustained.

Further in light of the decision to continue to defend the Seagrave Road appeal, the need for a condition to secure a scheme of mitigation is not considered necessary and that in any event, having regard to the conclusions of the Local Highway Authority that highway land is not available to deliver the improvements then this could not be sustained as a reasonable condition. As such a condition is no longer recommended.

In light of all of the above circumstances, it is considered that it would be appropriate for Plans committee to review the new information which is consolidated in the revised report now brought before committee, and which also incorporates the amendments brought to the committee's attention in relation to Recommendation A in the extras report presented at committee on 7th December 2017 and to consider if they now wish to accept the recommendation set out in this report to approve the application without a scheme of mitigation.

## **Description of the site**

As described in the Design and Access Statement, the application site is located on the southeast side of Sileby. The site is bounded to the east by the rear of properties on Ratcliffe Road and Peashill Close, with Sileby Cemetery to the north, open fields and countryside to the south and trees/hedgerows to the east.

The site is currently in arable land use for the most part, and consists of four fields (or parts of fields). To the northwest of the site, adjacent to the cemetery chapel, an area that was formerly a quarry is now a local wildlife site and a small enclosure of meadow pasture. Hedgerows separating fields within the site are generally of a range of quality but have gaps within them.

The site is accessed off Ratcliffe Road via a private lane to Peashill Farm. The farmstead is located in the southern part of the site adjacent to the access, within a rectangular curtilage bound by trees and hedgerows, and consists of a farm house, brick outbuildings and corrugated iron vaulted barn.

The application site is outside the Development Limits as shown on the saved Local Plan proposals map but adjoins the boundary, which is formed by the neighbouring

cemetery, Peashill Close and Ratcliffe Road. The site is not in a Conservation Area and the nearest heritage asset is the Cemetery Building which is locally listed.

The total application area is 13.32 hectares.

### **The Application Proposals**

The application proposals are in outline with all matters reserved except for access. The Design and Access Statement submitted with the application states that the development will include the following:

- 170 new homes, with a broad range of house types including bungalows, to meet varied needs in the area, including open market and affordable houses;
- A new roundabout access on Ratcliffe Road,
- Peashill farmstead retained and buildings refurbished with potential for business space and/or community use;
- Over 6.5ha of green open space;
- New pedestrian/cycle and emergency vehicle access to the north of the site, connecting onto Ratcliffe Road, and connections through the site;
- Allotments/community gardens;
- A children's play area - Local Equipped Area of Play (LEAP);
- Water management to control rainfall runoff sensitively;
- Biodiversity enhancements through extensive new planting and creation of diverse and interconnected new habitats;
- Land allocated for potential future expansion of the cemetery; and
- A landscape buffer affording privacy to residents on Peashill Close/Ratcliffe Road.

This submission is supported by:

- Site Location and Illustrative Masterplan
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Planning Statement
- Transport Statement
- Travel Plan
- Flood Risk Assessment and Surface Water Drainage Strategy
- Foul Water Drainage Strategy
- Phase 1 Ground Condition Assessment
- Ecological Appraisal
- Arboricultural Assessment and Impact Assessment
- Archaeological and Heritage Assessment
- Utilities Infrastructure Report
- Consultation Statement
- Draft S106 Heads of Terms prepared by iPlan Solutions

The access proposals are that the site will still be accessed via a new roundabout at the junction with Ratcliffe Road (shown on drawing ref: 39052/5501/006 Rev B) and a second pedestrian, cycle and emergency access onto Ratcliffe Road (including

demolition of 94 Ratcliffe Road) opposite Wellbrook Avenue (shown on drawing ref: 39052/5501/021).

## **Development Plan Policies**

### Charnwood Local Plan Core Strategy 2006-2028 (Adopted 9th November 2015)

Policy CS1 - Development Strategy - sets out the development strategy for the Borough. This includes a direction of growth which focuses housing development in locations around Loughborough and Shepshed with three Sustainable Urban Extensions. The 7 Service Centres, including Sileby, are identified to deliver 3,000 houses with commitments for around 3,600 houses.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Sileby 30% affordable homes are sought on sites of 10 dwellings or more.

Policy CS11 – Landscape and Countryside seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the open space Strategy.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 – Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network – seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 - Delivering Infrastructure - seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS 25 – Presumption in Favour of Sustainable Development – sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Borough of Charnwood Local Plan 1991-2006 (adopted 12th 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 policies are:

Policy ST/2 – Limits to Development – This policy seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

Policy EV/1 – Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy CT/1 - General Principles for areas of the countryside, green wedge and local separation. The policy restricts new development to that which is small-scale and where it meets certain criteria.

Policy CT/2 - Developments in the Countryside – indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.

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

**Other material considerations**

The National Planning Policy Framework 2012 (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Para 14 where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

Para 17 sets out the core principles of sustainable development

In terms of the remainder of the NPPF, relevant sections are as follows:

#### Section 4: Promoting Sustainable Transport

Paras. 29-32 Promotes sustainable modes of transport and consideration of highway implications in that only where a development results in a severe impact should it be refused.

#### Section 6: Delivering a wide choice of high quality homes

Paras. 47 & 49 – requires Local Planning Authorities to significantly boost the supply of land and need for a 5 year housing land supply. Where a 5-year supply cannot be demonstrated relevant policies for the supply of housing should not be considered up-to-date.

Para 50 advises local planning authorities to plan for a mix of housing.

#### Section 7: Requiring good design

Paras. 56, 58, 63 & 64 – Development is required to achieve high quality design that respects local distinctiveness and poor design should be refused.

#### Section 8. Promoting healthy communities

Paras 69 and 70: Facilitating social interaction and creating healthy, inclusive communities.

#### Section 10: Climate change and flooding

Para 96 - Direct development away from areas at high risk of flooding, and it should take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption.

Para 103 – seeks to ensure that development is flood resilient and designs in sustainable drainage.

#### Section 11: Conserving and enhancing the natural environment

Para 109 - Developments should promote the natural environment and safeguard protected species

Para 112 – Sets out the consideration of Best and Most Versatile Land that this should be safeguarded.

#### Section 12: Conserving and enhancing the historic environment

Para 128 - 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.

Paras 133 and 134 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

On decision taking the NPPF advises:

Paras 186 and 187: Local Planning Authorities should act in a positive and proactive manner in decision making.

Para 196: Re-emphasises the primacy of the Development Plan in decision making

Paras 203-206: Sets out the tests for the use of planning conditions and obligations.

#### Planning Practice Guidance

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also 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

#### Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing

developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

#### Housing Supplementary Planning Document (2017)

The Housing SPD was adopted in May 2017 and provides guidance to support the Local Plan Core Strategy and the saved policies of the Borough of Charnwood Local Plan in respect of Policy CS3: Strategic Housing Needs - for affordable housing and housing mix. It should be noted that guidance note HSPD 9, which deals with housing mix, has been quashed by the High Court and is no longer a material consideration in the consideration of planning applications.

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

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment in the Borough and is therefore not to be relied upon at the current time, the housing mix evidence can be accorded significant weight as it reflects known demographic changes.

#### Neighbourhood Planning Act 2017

Sets out the protocol for consideration and preparation of Neighbourhood Plans and the weight that can be attached to the plans at the stages of preparation

#### Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

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

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

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

### Environmental Impact Assessment Regulations (2017)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. For residential development the threshold to consider under Schedule 2 developments are 150 dwellings or 5 hectares (Criteria 10(b)).

### S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be taken into account when determining a planning application for a development that does not meet all of the following tests:

- It is necessary to make the development acceptable in planning terms
- It is directly related to the development
- It is fairly and reasonably related in scale and kind to the development

### Sileby and Barrow Traffic and Transport Study (SBTTS) 2016

This report summarises current transport conditions and known development proposals in Sileby and Barrow upon Soar in order to inform future highway advice on development proposals in these villages. It does not form a moratorium on development but forms evidence on the nature of the highway network and therefore is not a formal planning document. Consideration has been given in the study to the incremental developments which have been granted planning permission over the past 5 years. The area which will see the most impact is likely to be the Seagrave Road corridor (including the King Street/High Street/Barrow Road junction) in Sileby which is predicted to see an increase in traffic volume coupled with potential increased levels of on street parking. Table 11 of the Study sets out the sites considered:

Application Number	Status	Development Name	Village	Development Details
P/10/1518/2	Commit	Land at Melton Road	Barrow upon Soar	292 Dwellings
P13/1889/2	Refused	Peashill Farm, Ratcliffe Road	Sileby	284 Dwellings
P/15/0047/2	TBD	Land east of Seagrave Road	Sileby	195 Dwellings
P/11/0860/2	Comp	Land off Seagrave Road	Sileby	180 Dwellings
P/12/2235/2	Commit	Land off Seagrave Road	Sileby	135 Dwellings
P//10/1772/2	Comp	Land adjacent to Stanage Road	Sileby	82 Dwellings
P/11/2540/2	Commit	Strancliffe Hall, Cotes Road	Barrow upon Soar	76 Dwellings
P/13/1023/2	Commit	Land at Nottingham Road	Barrow upon Soar	71 Dwellings
P/14/0750/2	Commit	Strancliffe Hall, Cotes Road	Barrow upon Soar	33 Dwellings
P/14/0506/2	Commit	Land at Cemetery Road and Ratcliffe Road	Sileby	24 Dwellings
P/12/1041/2	Commit	The Maltings, High Street	Sileby	21 Dwellings
P/11/1213/2	Comp	Land off Nursery Grove	Barrow upon Soar	14 Dwellings
P/14/0685/2	Commit	Land off Cotes Road	Barrow upon Soar	14 Dwellings
P/12/0933/2	Comp	The Railway Hotel, King Street	Sileby	5 Dwellings, A1 and B2
<b>Sileby Total</b>				<b>447-642 Dwellings</b>
<b>Barrow upon Soar Total</b>				<b>500 Dwellings</b>
<b>Combined Total</b>				<b>947-1142 Dwellings</b>
Comp- Completion 2011-2014, Commit- Commitment as of November 2014, TBD- To Be Determined (considered against the remaining requirement/supply up to 2028), Refused- Refused				

Table 11: List of committed/Potential/Refused developments (+5 dwellings) in Sileby and Barrow upon Soar between 2010 and 2015.

### Relevant Planning History

P/13/0713/2 - Request for screening opinion in relation to proposed residential development. EIA not required 10/05/2013.

P/13/1889/2 - Site for residential development of up to 284 dwellings with provision for access arrangements and public open space. Refused 24/04/2015.

Other relevant applications in the vicinity:

### Land at Seagrave Road

P/15/0047/2 – Erection of 195 dwellings – Appealed against non-determination.

Appeal Ref: APP/X2410/W/16/3152082 - Land to the east of Seagrave Road, Sileby – Appeal dismissed on 27 March 2017. This appeal is the most recent planning appeal on the Council's Housing Land Supply (determining the Council did have a 5-year supply) and material considerations such as the SHMA and HEDNA. The appeal also considers issues including the settlement hierarchy.

This decision has been quashed due to a misinterpretation by the Inspector of NPPF policy relating to housing land supply and a recent Supreme Court decision. The appeal will need to be re-heard by the Planning Inspectorate in February 2018.

### Land at Cemetery Road – Former Waste Site

P/16/1359/2 – Erection of 108 dwellings – Resolution to grant planning permission subject to S106 agreement; S106 pending completion.

### Land at Cemetery Road/Ratcliffe Road

P/14/0506/2 – Erection of 24 dwellings – Granted October 2014. The development has now been completed.

## **Response of Statutory Consultees**

### Leicestershire County Council Highway Authority

The Highway Authority advice is that individually the residual cumulative impacts of development at Peashill Farm can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the planning conditions and planning obligations

On this basis and without an agreed scheme of mitigation relating to the cumulative highway impact, there is the highway capacity for one of the applications at Peashill Farm or Seagrave Road to be approved

The housing numbers that have been considered in dealing with these applications purely relate to what could be delivered in Sileby and does not relate to any applications in Barrow upon Soar.

Whilst a number of options for a mitigation scheme for the Barrow Road/Mountsorrel Lane junction have been put forward by the applicants of the Peashill Farm site, currently under consideration, none of these options are considered to be acceptable to mitigate the cumulative impact of development. A key factor is the lack of available highway land in which to deliver an improvement at this junction.

Consequently, should planning committee wish to approve both applications cumulatively the highway authority advice would be that without a scheme of

mitigation there would be a severe impact on the highway and there is not currently an agreed scheme to mitigate this impact.

#### Leicestershire County Council - Minerals Planning Authority

No objection to the proposed development in respect of mineral safeguarding. Whilst the application site lies within a Sand and Gravel Mineral Consultation Area (MCA), the County Council does not have any specific geological information to suggest that the site contains any significant mineral resource. The parts of the site within the MCA are effectively within a buffer around the actual mapped resource, which appears to relate to river terrace deposits associated with the watercourse to the south east of the site. The most extensive deposits would seem to lie south of Blossom Farm.

#### Leicestershire County Council – Trees

There are no County Council protected trees affected by the development.

#### Leicestershire County Council - Developer Contributions

*Library Services* - £5,130 is sought towards Sileby Library.

*Education* – a contribution is sought towards the Primary School sector - £493,639.61 to Highgate Community Primary School and/or Sileby Redlands Community Primary School. No contribution would be sought towards Secondary School or Special Needs sectors.

*Civic Amenity* - £8,784.0 towards a specific project at Mountsorrel Waste Site to provide capacity to deal with additional waste arising from the development.

#### Leicestershire County Council – Lead Local Flood Authority

The proposed development would be considered acceptable to Leicestershire County Council as the LLFA subject to planning conditions.

Severn Trent Water Authority

No objection subject to a drainage condition

#### Environment Agency

No comment. Standing Advice should apply.

#### Historic England

No comment – The Council's own Conservation Advice should be used.

### West Leicestershire CCG

Seeks £104,381.76 towards Healthcare enhancement at the Banks Surgery & Highgate Surgery

### Environmental Health

No objection - The Phase 1 Ground Condition Survey identified a number of local potential sources of contamination. It is therefore recommended that the applicant undertakes a Phase 2 intrusive investigation which can be secured through a condition.

### Charnwood Borough Council Housing Strategy Manager

The applicant proposes to provide 30% affordable housing in compliance with policy CS3 of the Core Strategy. In accordance with the SPD, tenure split should be 77% affordable rent and/or social rent and 23% shared-ownership. It is recommended that the S106 Legal Agreement secures a minimum of 4 x 2 bed wheelchair accessible bungalows for rent with the overall affordable housing mix being agreed at reserved matters stage. Affordable housing should be in clusters of no more than 10.

### Charnwood Borough Council Open Space Team

No specific comments to make with regard access to the site. In terms of the 170 dwellings proposed the development would be required to meet standards for open space, sport and recreation as set by Policy CS 15. Development proposal would need to set out how these standards will be met on site or alternatively, if appropriate, off site, having regard for local provision and viability.

### Sileby Parish Council

Have submitted several objections to the application on cumulative growth and highway safety including a 94 page document including previous representations to the Seagrave Road; Highway responses to P/17/2182/2 (the current application on Seagrave Road); an assessment on highway impacts; a recent appeal decision at East Riding (relating to a mixed use development including 380 dwellings); and the response to the Seagrave Road item on this agenda.

The report concludes that the proposals would locate a significant amount of housing in a location that is situated at the third tier of the Council's settlement strategy. If it is considered that the Council cannot identify a 5-year housing land supply, then it is short by a modest amount. Set against that, the development would prejudice and undermine the overarching spatial policies of the Core Strategy and the harm to the overall adopted plan-led strategy for the area and this carries considerable weight – particularly given the strong emphasis throughout the NPPF for planning to be a fundamentally plan-led process.

Under the circumstances, Sileby Parish Council respectfully suggests that Plans Committee consider refusing this application on grounds of the cumulative impact and harm would conflict with the development plan, in particular policies CS1, CT/1,

CT/2 and ST/2 due to the scale of the development proposed in the open countryside.

Other reasons for objection include:

The Effect on Agricultural Land – the proposal would involve the loss of a significant amount of productive agricultural land (grade 3a). The necessity for releasing this greenfield site would not be justified. It cannot be viewed as either necessary or effective use of land when taking account of the provision of the NPPF or policies of Charnwood Local Plan 2011 to 2028.

Economic Sustainability - insufficient detail of business hub in the old farm buildings and the benefits.

Social Sustainability – The proposal would not result in achieving good access to services and facilities indeed development in this area would have an adverse impact on the social dimension of sustainable development.

The proposal would result in a loss of amenity for the neighbouring properties to the proposed access on to Ratcliffe Road with concerns for safety and antisocial behaviour.

It is likely that residents would be reliant on private motor vehicles which would compound the already congested roads and parking in Sileby. The proposal does not comply with Policies CS1 and CS17 of Charnwood Core Strategy 2011 to 2028.

Environmental Sustainability – The proposed site is located outside the built-up area of the village and would be development of a greenfield site, which includes best and most versatile agricultural land. The proposal would result in having an urbanising impact on existing views out of and towards the current urban area. Recent developments to the east of Sileby have made a cumulative urbanising impact which would be further aggravated should development to the south of the village be allowed. The proposal would have a negative impact on the visual amenity of the immediate and wider landscape and does not comply with Policy CS11 of Charnwood Local Plan.

Neighbourhood Plan – Sileby Parish is in the process of preparing a Neighbourhood Plan. The Parish Council and Parishioners are concerned that this early on in the adoption of a local Plan, developers are challenging the tested Policies of the Local Plan and waiting on opportunistic dips in the five-year housing supply.

Notwithstanding this, the Car Parking Site Availability and Deliverability Study carried out in August 2017 identified two schemes for which the Parish Council would seek the following contributions:

- £50,000 payable to the Council to be applied by the Sileby Parish Council for the provision of lighting at the Pavilion Car Park in Sileby
- £30,410 payable to the Council to be applied by the Sileby Parish Council for the provision of works to improve the King Street Car Park in Sileby

## CPRE Charnwood

Object on the following grounds:

- Sileby has already taken a significant amount of new housing development to date to meet the Core Strategy targets.
- Note the Council's Five Year Supply but it is unnecessary to add unsustainable sites, to those which are part of a planned strategy, which would then provide an over-supply.
- The location is far removed from the central facilities of Sileby, including the rail station and links to bus services.
- The proposed new access arrangements do not assist with the congestion in the centre of Sileby
- The landscape is pastoral and undulating, giving a pleasant rural edge to the urbanised village of Sileby.
- The site users/residents will be heavily reliant on motor vehicles as it would not be attractive for alternative modes of transport. Ratcliffe Road and Cemetery Road are both uphill and would require physical fitness as there are no bus services serving the site, or even nearby routes.
- CPRE are concerned that the proposed development fails to preserve intensively farmed agricultural land, particularly in view of the fact that there are a number of undeveloped 'brownfield' alternatives within the borough.

CPRE notes and accept that the proposal (at present) would fulfil some of the need for bungalows.

### **Third Party Representations**

Nicky Morgan MP – has forwarded an objection on behalf of a local resident for consideration by the Plans Committee raising issues of the previous planning refusal, traffic, access to public transport and housing already delivered in Sileby. The comments of the local resident are presented on the website and are summarised below.

### Public Comment

Over the course of the application there have been 42 letters from local residents from surrounding streets, principally Peashill Close and Ratcliffe Road. Some residents have written more than once. The comments raised include:

- Principle of development housing not needed or required
- Village cannot cope with the level of growth
- Traffic congestion and impact on the local highway network
- Speed of traffic on Ratcliffe Road and accidents
- No benefit to the village
- No relationship to services
- Previous refusal

- Increase in crime and Anti-social behaviour – in particular relating to the emergency access
- Loss of countryside
- Impact on wildlife
- Lack of facilities (e.g. doctors and schools)
- Lack of parking for existing residents
- Flooding and Drainage
- Loss of privacy

## **Consideration of the Planning Issues**

This application is for outline planning permission as explained at the beginning of this report and the key considerations are therefore the following:

- Principle of development and Housing Land Supply
- Landscape and Settlement Character
- Layout and the indicative masterplan
- Relationship to neighbouring properties
- Flooding and Drainage
- Ecology Wildlife and Trees
- Heritage
- Loss of Best and Most Versatile Agricultural Land
- Highway issues and the Sileby and Barrow Traffic and Transport Study
- S106 developer contributions

### Principle and Housing Land Supply

Policy CS1 sets a development strategy and settlement hierarchy that guides residential development to the edge of Leicester and Loughborough/Shepshed before smaller places in the Borough. Sileby is categorised as one of seven service centres, which are expected to accommodate at least 3,000 dwellings during the plan period 2011 to 2028.

The proposal is located in the countryside as denoted by saved local plan Policy ST/2 but adjoins the settlement boundary. The Core Strategy indicates that small scale development adjoining the settlement boundary of Service Centres may be acceptable subject to the proposals responding positively to sustainable development objectives and which contribute towards meeting our development needs, supports our strategic vision, makes effective use of land and is in accordance with the other policies in the Core Strategy.

Paragraph 14 of the National Planning Policy Framework states that where development plan policies are out-of-date planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole; or

- specific policies in this Framework indicate development should be restricted.

The need to significantly boost housing supply is a material consideration that must be given weight in the planning balance. For Charnwood, Core Strategy Policy CS 1 and Local Plan Policy ST/2 are the policies for the supply of housing. Whilst these policies are out-of-date, it remains for the decision taker to assess the weight of these policies. A recent Supreme Court judgement (Suffolk Coastal District Council v Hopkins Homes Ltd & Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 36.) has clarified a number of matters in relation to the application of the presumption of sustainable development. For Charnwood, Core Strategy Policy CS 1 and Local Plan Policy ST/2 are the policies for the supply of housing. Whilst these policies are considered to be out-of-date, it remains for the decision taker to assess the weight to be given to these policies. The Supreme Court judgement confirms that where policies for the supply of housing are not considered up to date, they retain their statutory force, but the focus shifts to other material considerations. When making an assessment of weight it is necessary to consider the degree of consistency with the Framework, the degree to which policies restrict the supply of new housing, the purpose of the policies and if there is a 5 year supply shortfall, the action that is being taken to address it.

Policy CS 1 defines the settlement hierarchy and the criteria for considering proposals within individual tiers of settlements. The Development Strategy set out in the Policy seeks to guide development to locations that are well connected to jobs, services and infrastructure in order to provide a sustainable pattern of development. The Core Strategy supports sustainable development which contributes towards meeting our remaining development needs, supports the Council's strategic vision, makes effective use of land and is in accordance with the policies in the Core Strategy. These matters do not all necessarily relate only to the supply of housing but also to the sustainability and suitability of differing types of settlement for new housing having regard to travel and patterns of movement and access to services and facilities.

Whilst Policy CS 1 is not up-to-date, and cannot be ascribed full weight, the policy has a role in delivering a sustainable pattern of development. The site in question is outside the limits to development of Sileby and within countryside. Policy CS 1 states that, in relation to Sileby, the Local Planning Authority will respond positively to sustainable development which contributes towards meeting the Borough's development needs. As the Council is currently unable to demonstrate a five year supply of housing land, it is considered that this site would contribute towards meeting our development needs. Whilst paragraph 4.45 and 4.46 of the supporting text for Policy CS 1 states that the Council's priority is to see any new development that takes place at service centres to be within their existing built up areas, it also states that small scale windfalls in greenfield locations may be appropriate where there is a recognised local housing need.

Policy ST/2 acts as a counterpart to CS1. It defines the land which is considered to be within the urban area and that which is countryside. In doing so, it provides that part of the development strategy which seeks to managed patterns of development to ensure that landscape and the countryside are protected. It is considered that, in this instance, Policy ST/2 must be given less than development plan weight as it

would restrict the delivery of housing adjacent to the service centre that would otherwise meet an identified housing need.

It is considered that policies CT/1 and CT/2 whilst not policies for the supply of housing, can have a constraining effect upon the supply of housing. It is considered that both of these policies should be attributed reduced weight when the Council is unable to demonstrate it has a 5 year housing land supply, as they would otherwise restrict the supply of housing at a time when the Council is unable to demonstrate a five year supply of housing. In other respects these policies show a high degree of consistency with the objectives in the Framework, although aspects of their wording are inconsistent. For the above reasons they are considered to carry significant weight.

The Sileby Neighbourhood Plan is at an early stage of preparation and therefore cannot be any significant weight in the decision making process as the options have not been formulated and evidence has not been tested or submitted for examination.

The previous reason for refusal made under reference P/13/1889/2 in April 2015 was:

*“1. Whilst it is acknowledged that the Council is not currently able to demonstrate the availability of a five year supply of housing land and there is a presumption in favour of sustainable development, the cumulative detrimental impacts of the development are considered to outweigh the benefits secured by the additional supply of housing. The development is considered to be unsustainable and the cumulative detrimental impacts of this proposal are significant and demonstrable and comprise the following:*

- a) Negative impacts on landscape and visual amenity;*
- b) A lack of an effective use of a greenfield, agricultural site outside the existing built up area;*
- c) Limited access to services and facilities by sustainable travel options;*
- d) Lack of evidence to demonstrate that development of this site is required to meet planned development needs as identified in the emerging policy base for the Borough or any identified local housing need.*

*The proposal is therefore contrary to the aims of paragraph 6, 7, 14, 17, 34, 111 and 112 and 123 of the National Planning Policy Framework and does not constitute sustainable development. The proposal is also contrary to Policies CS1, CS11 and CS14 of the emerging Charnwood Local Plan Core Strategy 2006-2028 and policies ST/1, ST/2, CT/1, CT/2, TR/5 and TR/6 of the Borough of Charnwood Local Plan 2004, with weight being given to such policies according to their consistency with the National Planning Policy Framework and the Planning Practice Guidance.”*

It is noted that since the previous refusal, the Council has adopted its Core Strategy and that policies ST/1, TR/5 and TR/6 of the Local Plan were not saved as part of that adoption process.

Considering the level of development in the Service Centres and the amount of development already committed, the impact of the proposed additional dwellings,

whilst not small scale, would not be considered to result in harm to the overall strategy, particularly in light of the Council's current 5 year Housing land Supply position and the delays in the delivery of the Sustainable Urban Extensions. These are important considerations that were not envisaged in the preparation and adoption of Policy CS1. The impact on the settlement of Sileby should also be considered and this is set out later in this report.

As there are no site specific policies that would restrict development on the application site, the proposal needs to be considered against the principles of sustainable development as defined in Paragraph 14 of the NPPF.

The remainder of the report therefore addresses the material planning considerations against which the application proposal should be measured, and considers whether this submission overcomes the previous reasons for refusal.

### Landscape and Settlement Character

Policies CS2 and CS11 of the Core Strategy are of particular relevance. Policy CS11 seeks to support and protect landscape and countryside by requiring new development to protect landscape character and to reinforce a sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments. Policy CS2 seeks to ensure that development respects the site's context in terms of the wider character of the area (e.g. the settlement character of Sileby). The policy also requires new development to take account and mitigate its impact on tranquillity.

In relation to the application site, it is acknowledged and accepted that there are no national and regional landscape designations that are significant, or would be of influence to, the planning considerations.

The applicant has submitted a Landscape and Visual Appraisal which follows national guidance in terms of its preparation although there are minor issues with regard to the quality of the winter photographs (in terms of the quality and some of the horizons appearing fuzzy). Officers have therefore liaised with the applicant and visited the site and locations to ensure that the impact is fully assessed and understood.

It is noted by Officers that the development would result in an impact and a change in appearance (i.e. from an agricultural to urban environment) there are some barriers to views from a number of vantages due to the existing settlement of Sileby, and the development would be read in places against the development of Ratcliffe Road, Peashill Close and Cemetery Road.

The former waste site is also being developed for housing and therefore the impact of the former buildings will be reduced. The cemetery and its building also form a backdrop. At local level therefore, the sensitivity of the landscape and its contribution to the wider character is considered to be moderate.

Having established the sensitivity of the site, it is appropriate to consider the impact of the development and any mitigation proposed. At local and site level the effects

would be high as the development would alter the site character from rural agricultural field system to a residential development (a negative impact) but this is balanced with extensive public open space, landscaping and open space, including new planting of trees and hedgerows (a positive impact of the development).

The retention of the former farm buildings is also a positive contribution with the inclusion of ponds, swales and other natural drainage features that also have a positive impact in the landscape setting. The positive impacts of the proposals and the mitigation are therefore considered to outweigh the negative impacts from the proposals.

In considering settlement character, the level of development committed in Sileby in recent years is noted in the Barrow and Sileby Transport Study in Table 11. The Cemetery Road development (on the former Waste site), which straddles the settlement boundary has also recently been approved subject to a S106 legal agreement. The total number of dwellings delivered in Sileby is therefore 555 dwellings with an additional 170 being proposed on this application and a further 195 being proposed on the Seagrave Road site. This would be a total of 920 dwellings which would need to be carefully considered in the context of landscape impact from cumulative growth.

It is also noted that the Development Limits are drawn tightly around the southern boundary of Sileby which is a 'U' shape such that the boundary is formed by Peashill Close, Ratcliffe Road and the Cemetery. There are clear differences between the character of the settlement in this location and at Seagrave Road in terms of its relationship to the built form and the village centre. The development would be closer in parts to the centre of Sileby and employment areas than parts of the existing settlement, particularly to the north. The proposed development would fill in some of this U-shape.

Overall whilst the level of housing committed and delivered in Sileby is noted, it is considered that the proposals would not result in harm to the character of the settlement as they would in effect round off the settlement boundary at this point. In this way the proposal meets Policy CS2 of the Core Strategy.

In terms of the landscape, subject to detail mitigation secured by planning conditions the proposals would be considered to be acceptable in accordance with Policies CS2 and CS11 of the Core Strategy and the National Planning Policy Framework.

#### Layout and the indicative masterplan

Saved Policy EV/1 of the Local Plan and Policies CS2, CS3, CS11, CS12, CS13, CS16 and CS17 of the Core Strategy are of particular relevance in seeking to establish high quality design and parameters for a future detailed submission. The indicative layout sets out a broad development parameter of development areas, the existing farm buildings and green space, including sustainable drainage features. At this stage, there is no detail to this submission beyond the broad parameters for development.

The indicative layout includes a number of key features:

- Provision of bungalows (1.5 storeys) on the boundary with Peashill Close and Ratcliffe Road
- Retention of the farm buildings for community/employment use
- Landscaping, play areas and sustainable drainage proposals
- Footpaths to Ratcliffe Road and up to the boundary with Cemetery Road
- Extension to the cemetery and additional allotments
- The use of long gardens giving space for existing hedgerows.

The Highway Authority advises that future detailed proposals submitted as reserved matters will need to be designed to an adoptable standard in accordance with the 6C's Design Guide and that adequate off-street parking on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms to avoid overspill on to the public highway should be provided.

In terms of housing mix future detailed proposals submitted as reserved matters will need to ensure that the development is in keeping with the character of the area, is designed for the site and appropriately integrates the affordable and market housing. Housing Mix should therefore be secured through an appropriate planning condition.

It is considered that the indicative layout would be capable of delivering a high quality development in accordance with the aims and objectives of saved policy EV/1 of the Local Plan and Policies CS2, CS3, CS11, CS12, CS13, CS16, and CS17 of the Core Strategy.

#### Relationship to neighbouring properties

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy are material considerations in this respect. As stated above, at this outline stage, the indicative layout and masterplan do not form part of the application proposals but elements of detail (e.g. bungalows) that form part of the masterplan proposals could form part of the parameters secured, if the proposals overall were considered to be acceptable. The emergency access to Ratcliffe Road is however part of the consideration as an access.

With regard to the amenity of residents, it is considered that the use of bungalows on the boundary with appropriate back gardens would form a satisfactory relationship to the neighbouring properties on Peashill Close. It is not considered that the masterplan as submitted raises issues with regards to loss of amenity as a result of the proposals.

The comments and concerns from local residents with regard to the emergency access and the potential for anti-social behaviour are noted and carefully considered. There is no reason to suggest the proposed footpath route would become a focal point for people to congregate or that there would be features that would distinguish the area from any other footpath links. The proposals could be designed to include appropriate lighting and boundary treatment to neighbouring properties. The footpath link would also be overlooked by existing and new dwellings and the provision of surveillance would also deter anti-social behaviour.

Overall it is considered that issues of concern can be designed out through the final layout to be agreed at the reserved matters stage and that the proposals would be in accordance with saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy.

### Flooding and Drainage

Policy CS16 of the Core Strategy encourages sustainable design and construction and directing development to locations within the Borough at the lowest risk of flooding, supporting developments which reduce flood risk elsewhere, and requiring new developments to manage surface water run off with no net increase in the rate of surface water runoff for Greenfield sites.

Paragraph 103 of the Framework requires local planning authorities to ensure that, when determining planning applications, flood risk is not increased elsewhere and to only consider development in areas of flood risk where, informed by a site-specific flood risk assessment, will not put the users of the development at risk.

The site falls within flood zone 1, where flood risk to future occupiers would be minimal. Therefore it is considered that development of this site is acceptable in terms of flood risk as it has been directed to an area at lowest risk of flooding. Therefore the application meets the principles of paragraph 103 of the Framework. However, there is a requirement to demonstrate that sustainable drainage methods are employed and that the development of the site would not result in increased flooding elsewhere as a result of the increased requirements of drainage and hard surfacing.

The comments of Lead Local Flood Authority have been noted and carefully considered. In this respect the further information has been received by the applicant but it is also noted that the Flood Authority have sought information that can be secured through appropriate conditions as the information is in outline form with further detail to be submitted through the Reserved Matters. It is noted that the LLFA have confirmed the proposals are considered acceptable subject to planning conditions.

It is noted that flooding and drainage was not raised as a reason for refusal as part of the consideration of the larger scheme for 284 dwellings and that the proposals would include several large sustainable drainage ponds and swales. Improvements to the capacity of the Brook to the south could also be included.

Overall having considered the comments and concerns of residents and the LLFA have been carefully considered and it is considered that the proposals are in accordance with Policy CS 16 of the Core Strategy.

### Ecology, Wildlife and Trees

Policy CS13 of the Core Strategy seeks to ensure protected species are not harmed as a result of development proposals and wherever possible they should seek to enhance ecological benefit through landscape and drainage solutions. Saved Policy EV/1 of the Local Plan and Policies CS2, CS11, CS12 and CS15 of the Core

Strategy seek to ensure that appropriate designs and layout are provided which deliver high quality design and the provision of appropriate green infrastructure is also a relevant consideration in this context.

In considering this application the Ecological Appraisal and ecological aspects of the Flood Risk Assessment, Design and Access Statement and various plans submitted with the application, the current scheme represents a significant improvement on the refused scheme of 284 dwellings due to the reduced level of housing and increased level of green space being proposed.

The survey work to support this report is considered appropriate and the Ecological report's recommendations are considered to be reasonable.

There is a lack of commentary on the previous surveys of buildings (MLM 2013) This makes it impossible to know which buildings supported bat roosts in 2013 or whether there has been any change to the status of these roosts since 2013. Planning Conditions can however be attached requiring the submission and approval of a bat mitigation statement detailing:

- the approach to licensable works within existing buildings;
- specific recommendations for the lighting scheme;
- the approach to any works required to trees T5 and T6;and
- confirmation that no work is required alongside of the adoption of recommendations made in the Ecological Appraisal, sections 6.4-6.9, as part of the Reserved Matters landscaping submission are appropriate.

Other matters which have the potential to add ecological value include the provision of balancing ponds and swales. These features are now standard for housing schemes of this size and there is potential for their detailed design to include consideration of ecological factors.

Overall, subject to appropriate planning conditions, the proposals would be considered to be in accordance with policy CS13 of the Core Strategy and relevant guidance within the National Planning Policy Framework.

### Heritage

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

The application site is not located within a conservation area and there are no designated heritage assets in close proximity. The site lies adjacent to Sileby cemetery and the application provides for an expansion of the cemetery grounds. The cemetery contains a small chapel which is included on Charnwood Borough Council's list of locally designated assets. Sileby Conservation Area lies approximately 500m to the west of the application site and, although it may be

possible to appreciate aspects of the proposed development from within the conservation area, it is not considered that the development itself will impact upon the conservation area.

The proposed development does not result in any physical impact on the significance of the structure Sileby Cemetery Chapel (locally listed) but as the chapel can be viewed from the higher ground to its southeast, the site can be considered as forming part of its setting. This higher ground consists of outlying agricultural fields and, as such, it is not considered to contribute to the historical or architectural significance of the chapel.

It is considered that the design of the proposed development has responded to this by setting back the built form in order that the views of the chapel can be appreciated from within the open spaces. In addition, the orientation of the road network is such that the chapel becomes a focus for the development. The development also includes for the expansion of the cemetery to provide for additional burial spaces and this will help to mitigate any impact on the non-designated heritage asset.

Due to the distance of the development site from other listed buildings in Sileby, it is not considered that the significance of these assets or their settings will be affected.

In conclusion and in accordance with the guidance contained within the NPPF and Core Strategy Policy CS14 the proposed development will not cause either substantial or less than substantial harm to the significance of the designated and non-designated heritage assets and would be considered to be acceptable.

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

NPPF paragraph 112 sets a presumption against the loss the Best and Most Versatile (BMV) agricultural land to development, and that where losses of such land is necessary, it should follow a thorough assessment of the options through the local plan process.

The proposal under consideration would involve the loss of agricultural land which falls mostly within grade 3b (outside BMV), with a very small area at the southern end of the site being considered grade 3a, according to the details on the Ministry for Agricultural Fisheries and Food, Magic website and submitted information. Therefore a significant proportion of the site would not be considered Best and Most Versatile (BMV) land.

This small loss of the best and most versatile agricultural land is a factor that weighs against the proposal; however, this needs to be balanced against the Council's housing land supply position and other material considerations.

#### Highway Issues

Members will recall that committee refused planning permission for residential development on this site in April 2015 for non-highway related issues (reference P/13/1889/2 for 284 dwellings on land at Peashill Farm Ratcliffe Road Sileby). The Highway Authority raised no objections on that application and comments on this site

have been provided in that context whilst also reflecting on the issues that have altered in highway terms since then, along with examining the applicant's new Transport Assessment and supporting documents, which take into account the Sileby and Barrow Traffic and Transport Study (SBTTS).

The SBTTS was commissioned in 2016 by the Highway Authority in response to local concerns about the impact of unplanned development on the highway network in Barrow and Sileby. The study is underpinned by the Leicester and Leicestershire Integrated Transport Model (LLITM), which indicates the majority of the junctions within these two villages operate within capacity even at peak times except for Mountsorrel Lane and King Street within Sileby. The study provides a range of evidence to inform highway considerations of applications in the two service centres.

Since the determination of the P/13/1889/2 application in 2015, the Highway Authority notes that the Cemetery Road site for 108 dwellings has come forward and been granted permission subject to a legal agreement. Although this would need to be considered as an addition to the Peashill Farm site, the combined total for both applications is 278 dwellings which is a similar level to the previous assessment of 284 dwellings for the Peashill Farm site under P/13/1889/2.

Policy CS17 of the Core Strategy seeks to provide a genuine choice for our community to walk, cycle or take longer trips on public transport. Development is expected to be managed in ways which secure improvements or results in an efficient and effective transport network. Policy CS18 of the Core Strategy seeks to maximise the efficiency of the local and strategic road network by 2028 by requiring new developments (including this application) to deliver an appropriate and comprehensive package of transport improvements.

Paragraph 32 of the NPPF states developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. It further states that decision makers should ensure that the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved, and improvements can be undertaken within the transport network that cost effectively limits the significant impact of the development. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Therefore there are three areas of consideration required to understand the highway impacts of the site on its own. These are:

- the traffic impact arising from the site;
- speed and highway safety; and
- the promotion of sustainable travel sustainable travel.

There is then a need to understand the cumulative impact of this site and other developments in Sileby (e.g. Seagrave Road and Cemetery Road).

*The traffic impact arising from the site*

Considering the traffic impact, the trip rate and trip generation based on the 170 dwellings proposed at Peashill Farm has been calculated as set out Table 2 below:

<b>Table 2: Proposed Vehicle Trip Generation Rate</b>						
	<b>AM Peak (08:00 – 09:00)</b>			<b>PM Peak (17:00 – 18:00)</b>		
	<b>Arrivals</b>	<b>Departures</b>	<b>Total</b>	<b>Arrivals</b>	<b>Departures</b>	<b>Total</b>
Trip rate per dwelling	0.160	0.536	0.696	0.414	0.203	0.617
Proposed Trip Generation	27	91	118	70	35	105

The submitted Transport Assessment also included traffic surveys from 2016 to account for background traffic growth and additional traffic from committed developments in the area.

The Applicant has also included traffic from the proposed development at Cemetery Road (which has a resolution to permit) and therefore the adjusted growth factor includes flows from P/16/1359/2 (108 dwellings at Cemetery Road Sibleby)

Based on the evidence submitted, the Highway Authority advise that the trip rates/generation, distribution and future growth is considered to be satisfactory to test the impact of the proposed development.

Based on the trip generation and distribution outlined above, the impact on the highway network has been investigated at the following locations within the Transport Assessment:

1. Ratcliffe Road site access,
2. Brook Street mini-roundabout,
3. High Street/ Brook Street/ Cossington Road T junction,
4. Barrow Road/ Mountsorrel Lane priority T junction, and
5. King Street/ High Street/ Barrow Road/ Little Church Lane cross junction.

The results of the capacity assessments at junctions 1 and 5 above have shown that the junctions are likely to operate within capacity in the 2022 'without development' scenario. When the development traffic is added there is a negligible impact at these junctions so no mitigation is required.

As such the Highway Authority advises there is no significant impact from the development proposals that would amount to a severe impact in terms of paragraph 32 of the Framework.

*Speed and highway safety*

In considering this issue and the concerns of residents in particular, it is noted that as part of the previous application, highway conditions were requested to undertake

a speed survey. The suggested condition to the previous application was that if the 85<sup>th</sup> percentile vehicle speeds from the speed survey were higher than 30mph, the applicants were required to submit a scheme of traffic calming measures (to be implemented before occupation of the first dwelling) aimed at bringing the south-east bound speed of vehicular traffic along Ratcliffe Road (on the approach to Peashill Close) down to 30mph.

The submitted Transport Assessment includes Personal Injury Collision (PIC) data covering the local roads in Sileby and Barrow upon Soar. This shows that there were 20 recorded PICs with two classified as serious while 18 were classified as slight.

As part of the Transport Assessment, the Applicant has undertaken a speed survey either side of the proposed site access in November 2016. The results of the speed surveys are reproduced in Table 1 below:

<b>Table 1: 85<sup>th</sup> percentile rate speeds on Ratcliffe Road</b>				
	<b>East of Site Access</b>		<b>West of Site Access</b>	
	<b>Eastbound</b>	<b>Westbound</b>	<b>Eastbound</b>	<b>Westbound</b>
Average 85 <sup>th</sup> percentile speed	44.1	43.9	31.0	31.3

If members are minded to approve this application therefore, there would need to be speed reduction measures on Ratcliffe Road including in the vicinity of the site access. This can be secured through an appropriate planning condition.

Based on the submitted data, the Highway Authority does not believe the proposed development will exacerbate the existing situation and would not recommend refusal of the application on highway safety grounds

As such, the current planning application has gone further than the previous application in relation to highways issues and therefore suitable conditions can now be more precisely proposed.

*Sustainable Travel*

The final area of highway consideration is the promotion of sustainable travel choices. It is noted that Sileby village centre is within the ‘Preferred Maximum’ walk distance of 800m from the application site and there are a number of employment opportunities and other facilities / services, including three primary schools nearby. The provision of a second pedestrian access to Ratcliffe Road assists in the promotion of sustainable travel choices.

The Highway Authority advises that the Applicant will seek to divert Bus Service 2 (Leicester to Loughborough) along Ratcliffe Road as outlined in Paragraph 8.4.1 of the submitted Transport Assessment. This would be secured through an appropriate condition.

The submitted Framework Travel Plan (FTP) is accepted and consistent with the scale of the proposed development. The Highway Authority is content for this document to be appended to the S106 which will also include a monitoring fee.

As such the development would promote sustainable modes of travel through the provision of footpaths/cycleways and the secondary access and public transport and would be in accordance with the aims and objectives of Policy CS18 of the Core Strategy and the NPPF.

### Cumulative Assessment of Sileby

On the basis of the Sileby and Barrow-upon-Soar Transport Study, a total of 195 dwellings have been taken in to account at Seagrave Road. The 284 dwellings (as part of the previous Peashill Farm submission), which were refused at the time of writing the Transport Study, were not taken in to account.

Both the Study and recent analysis undertaken as part of the resubmitted Peashill Farm proposals (for 170 dwellings) identified a cumulative severe impact at the Mountsorrel Lane/Barrow Road junction. This is on the basis that 195 dwellings had already been accounted for within the Study and therefore the additional 170 dwellings are in excess to this, with unmitigated impacts are considered to create severe harm. Cumulatively the two developments would create significant increases to both queue length and vehicle delay at the Mountsorrel Lane/Barrow Road junction, which provides the sole direct access between the A6 and Sileby.

If both applications were to be considered concurrently, then in accordance with the Transport Study the Highway Authority would consider that only one of the applications (of an approximate scale of 195 dwellings) could be approved, unless nil-detriment mitigation to the level of 10 dwellings was provided for any proposals beyond the 195 dwellings accounted for in the Transport Study. Similarly, as 195 dwellings have already been considered within the Transport Study, a refusal on highways grounds for a level of development less than this is unlikely to be substantiated at Appeal.

Should both the Peashill Farm application and ultimately the Seagrave Road scheme be approved, then the Highway Authority would expect a suitable (effective and deliverable) mitigation scheme to be developed for anything over the (assumed approved) 195 dwellings plus 10 dwellings on both schemes to account for delivery of the mitigation. As the Peashill Farm application would be the first scheme determined, with the Seagrave Road scheme to be considered by the Planning Inspector in February 2018, the determination of Peashill Farm should be considered in the context of an agreed scheme of mitigation for the highway network suitable to address the cumulative impacts arising from either proposal.

To this end, two potential mitigation proposals have been submitted by the applicant for this application to the Highway Authority on 17 November 2017. Following comments from the Highway Authority the schemes have been amended. The Highways Authority confirm that an improvement cannot be delivered that would mitigate the impact of the development on the highway network in terms of the schemes submitted.

It is considered subject to the imposition of appropriate planning conditions and contributions, the Highway Authority does not consider this development will have a severe impact on the highway in accordance with Paragraph 32 of the NPPF on its own. The cumulative impact has also been considered and has addressed concerns raised in the previous reason for refusal (P/13/1889/2) regarding the transport sustainability of the site. The proposals would therefore be in accordance with Policies CS17 and CS18 of the Core Strategy.

Members will recall they resolved to refuse the application due to the impact of traffic on minor rural roads having regard to policy TR17 of the Charnwood Borough Local Plan. As indicated in the update section of this report, it has been identified following the meeting that Local Plan policy TR17 has not been saved.

As Core Strategy Policies CS17 and CS 18 supersede Charnwood Local Plan Policy TR17 and in light of the clarification documentation received from the highway authority clearly stating unequivocally that there is capacity for up to 195 dwellings in Sileby without mitigation being required, it is considered that the Plans committee's concerns expressed in relation to TR17 at the Plans committee on the 7<sup>th</sup> December 2017 cannot be sustained.

#### Environmental Impact Assessment Regulations

With regard to the Environmental Impact Assessment Regulations, the larger development was screened in 2013 and at that time the application was not considered to cause significant environmental harm, under the definition of the Regulations, to call for an Environmental Statement. The Regulations have been amended (including an increase in the thresholds for residential development) since this opinion was issued and officers have considered this application afresh in terms of the current regulations and consider that the proposals would not be of significance in terms of the Regulations and would not call for an Environmental Statement.

#### S106 developer contributions

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

#### ***Onsite provision***

The proposals would deliver onsite provision of play areas, allotments and cemetery provision. Natural green and amenity space will also be provided within the extensive landscaping proposed as part of the development. It is advised that the cemetery should be a minimum site size of 0.33ha.

Affordable Housing would also be delivered on site to a level of 30% of the total development and a housing mix to be agreed through reserved matters but to include a minimum of 4 x 2-bed wheelchair accessible bungalows.

The delivery of these elements will be secured through the S106 legal agreement.

### **Off-site contributions**

#### *Open Space*

In addition to the on-site provision, Outdoor Play Space contributions, as detailed in the table below, have been sought to meet Policy CS15 in terms of parks and formal outdoor sports provision. The scheme is below the threshold for Indoor Sport (250 dwellings).

<b>Typology</b>	<b>Quantity Standard (hectares per 1000 population)</b>	<b>Development Requirement (Area)</b>	<b>Provide on-site or Equivalent off-site contribution</b>	<b>Potential Off-site project proposal?</b>
Parks	0.32ha	0.14ha	£26,895.73	Sibley Memorial Park – Improvements to the quality and capacity of provision to mitigate and meet the needs of additional residents of the proposed development.
Natural & Semi Natural Open Space	2.0ha	0.82ha	On Site	
Amenity Green Space	0.46ha	0.19ha	On site	
Provision for Children	1 facility within 480m of every	1 facility	On site (suitable LEAP Play Area to be provided –	

Typology	Quantity Standard (hectares per 1000 population)	Development Requirement (Area)	Provide on-site or Equivalent off-site contribution	Potential Off-site project proposal?
	home		Equipment and design to be approved by CBC prior to commencement of development).	
Provision for Young People	1 facility within 480m of every home	1 facility	£159,394.77 or The play area may be upgraded and therefore this may be delivered on site.	Sileby Memorial Park – Provide additional and improve quality/capacity of young people's facilities at the site to mitigate and meet the needs of the additional residents of the proposed development.
Outdoor Sports Facilities	2.60ha	1.05ha	£235,759.09	There is currently a shortfall of outdoor sports provision to meet the needs of current and future residents of Sileby. An off-site contribution is, therefore sought for the creation of new

Typology	Quantity Standard (hectares per 1000 population)	Development Requirement (Area)	Provide on-site or Equivalent off-site contribution	Potential Off-site project proposal?
				pitches/outdoor sports provision and/or increasing the capacity of existing outdoor sports provision and/or towards the cost of providing All weather pitch provision within the locality.
Allotments	0.33ha	0.14ha	On site	

These contributions are considered to be compliant with the tests set out in the CIL Regulations.

*County Library Services* – A contribution of £5,130 towards Sileby Library is sought.

*County Education Services* - seek a contribution of £493,639.61 towards the Primary School Sector. Based on capacity issues this would be sought towards Highgate Community Primary School and Sileby Redlands Community Primary School.

*County Civic Amenity (Waste)* – seeks a contribution of £8784 towards Mountsorrel Waste Site to provide capacity to deal with additional waste

These contributions are considered to be compliant with the CIL Regulations.

*County Highways* - In addition to the works to the highway infrastructure which would be conditioned (e.g. the roundabout, bus service diversion and secondary access) the following elements are proposed to be included within the S106 Agreement which are considered appropriate and compliant with the CIL Regulations:

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

- Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after the occupation of the last unit.
- 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). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.
- 6 month bus passes, two per dwelling (2 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.
- A Travel Plan monitoring fee of £6,000.00.

*Healthcare* - West Leicestershire Clinical Commissioning Group seeks a contribution of £104,381.76 towards Healthcare enhancement at the Banks Surgery & Highgate Surgery which have capacity issues that would arise from the development. As an alternative the proposed conversion of the farm buildings also presents an opportunity to deliver a further surgery/healthcare facility on the site. Having carefully considered the assessment and request this contribution request is considered to be compliant with the CIL Regulations.

Parish Council - Following the carrying out of work in relation to car parking in the service centres, two schemes have been identified to provide additional and improved car parking for the Town Centre. These works would be carried out in accordance with the identified schemes and the level of contribution would be £50,000 for the provision of lighting at the Pavilion Car Park in Sileby and £30,410 for the provision of works to improve the King Street Car Park in Sileby. Both schemes have been identified through an evidence base approach, relating to specific schemes that residents from the development would use. The scheme is therefore considered to be acceptable.

The above planning obligations are considered to be CIL compliant and the applicant has confirmed they are acceptable. They will therefore need to be secured in a S106 Legal Agreement if members are minded to grant planning permission.

### **Conclusion and Planning Balance**

Overall, the proposals have been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

The proposals are in a sustainable location, within walking distance of Sileby town centre. It is considered that the proposals closely relate to the built form and settlement character and the landscape harm would be limited and could be mitigated through additional planting. The proposals also include the provision of additional cemetery and allotment space. The proposal to include bungalows to the

boundary with Peashill Close and Ratcliffe Road is noted and the conversion of the farm buildings is also noted.

The proposals would make a positive contribution towards the Council's Housing Land Supply, and having considered the landscape and settlement impacts, there is opportunity to mitigate any impact through appropriate landscaping. The level of growth at Sileby delivered since the start of the plan period (2011) has also been carefully considered.

The highway impact of this development both on a stand-alone basis and cumulatively is considered acceptable. The ecological assessment has also been carefully considered along with opportunity for enhancement to be delivered within future Reserved Matters. Concerns with regard to flooding and drainage can be managed and controlled through appropriate conditions and the detail of the Reserved Matters.

As discussed above, the proposed indicative layout and designs are considered to be of high quality and reflect the surrounding area in terms of local distinctiveness with the provision of bungalows, the extension to the cemetery and allotments also positive elements. The proposals include a significant area of green and open space, including play equipment and facilities and sustainable drainage.

The delivery of s106 contributions and affordable housing provision is also noted and weighs positively in favour of the application.

In the absence of a five year housing land supply Paragraph 14 of the NPPF advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The previous reasons for refusal under P/13/1889/2 have been overcome and having carefully considered all consultation responses and the views of neighbouring and nearby residents and the Parish Council, it is considered that the proposals are acceptable having taken into account relevant policies of the Development Plan including policies CS1, CS2, CS3, CS11, CS12, CS13, CS14, CS15, CS17, CS18, CS24 and CS25 of the Core Strategy and saved policies ST/2, CT/1, CT/2, EV/1 and TR/18 of the Local Plan, and material considerations including and the aims and objectives of the National Planning Policy Framework and associated guidance.

## **RECOMMENDATION A**

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into a legal agreement under S106 of the Town and Country Planning Act 1990, on terms to be finalised by them, to secure the following infrastructure improvements:

- The on-site provision of 30% of the development to Affordable Housing in an appropriate tenure mix
- The on-site provision of additional Cemetery space of a minimum of 0.33ha.
- The on-site provision of allotments

- Outdoor Play space contributions will be sought to meet CS15 standards in terms of parks and formal outdoor play and sports provision unless otherwise provided on site.
- A contribution of £104,381.76 towards Healthcare provision unless otherwise provided on site through the conversion of the farm buildings.
- A contribution of £5,130 towards Sileby Library
- A contribution of £493,639.61 to the Primary School Sector be sought towards Highgate Community Primary School and Sileby Redlands Community Primary School would be the second choice for contribution.
- A contribution of £8,784 towards Mountsorrel Waste Site to provide capacity to deal with additional waste
- A Construction Traffic Routeing Agreement to be submitted to and approved in writing by the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all time
- The Travel Plan
- Appointment of a Travel Plan Co-ordinator
- Travel Packs
- 6 month bus passes, two per dwelling (2 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.
- A Travel Plan monitoring fee of £6,000.00.
- Safeguarding of the open space and management regime
- The sum of £50,000 payable to the Council to be applied by the Sileby Parish Council for the provision of lighting at the Pavilion Car Park in Sileby
- The sum of £30,410 payable to the Council to be applied by the Sileby Parish Council for the provision of works to improve the King Street Car Park in Sileby.

## **RECOMMENDATION B**

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1. The final application for approval of the remaining Reserved Matters shall be made within 2 years of the date of this decision. The Reserved Matters approval must be begun not later than 2 years from the date of approval of the final Reserved Matters approval.

REASON: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990 with the reduced timescale applicable due to the need to ensure delivery of housing to meet the Borough's Housing Needs.

2. The development of land shall not be commenced until details (the "Reserved Matters") of all of the following for that phase or parcel have been submitted to and approved by the Local Planning Authority:

a) The layout of the building(s);

- b) The scale of the building(s);
- c) The external appearance of the building(s)
- d) The landscaping of the site
- e) All other access arrangements within the site (e.g. roads, drives, access to proposed buildings and car parking arrangements) other than the accesses defined as being the junction with Ratcliffe Road (shown on drawing ref: 39052/5501/006 Rev B) and a second pedestrian, cycle and emergency access onto Ratcliffe Road (including demolition of 94 Ratcliffe Road) opposite Wellbrook Avenue (shown on drawing ref: 39052/5501/021).

REASON: To define the permission

3. The Reserved Matters submission shall be in accordance with the principles set out on the indicative masterplan on drawing number EDP3418/06f. The Reserved Matters shall include the following principles:

- A development of up to 170 dwellings in a housing mix to be agreed.
- Retention and conversion of the existing farm buildings to Use Classes B1(a), D1 or D2 uses.
- Bungalows of 1-1.5 storeys on the boundary with existing residential properties (with a minimum of 50% being single storey bungalows)
- The provision and delivery of cemetery and allotment space
- Sustainable Drainage provision including ponds and swales
- The use of long gardens giving space for existing hedgerows.
- Appropriate stand-off, landscaping and mitigation to the Chapel building in the cemetery

REASON: To ensure that the development is in keeping with the character of the area, is designed for the site and appropriately integrates the affordable and market housing.

4. As part of the landscaping Reserved Matters submission, identified under Condition 2, details of hard and soft landscaping works in that phase or parcel will be submitted for the approval of the Local Planning Authority. These details will include:

- Identification of existing trees, hedges, shrubs and other vegetation to be retained
- Wildlife habitat creation of potential benefit to protected species to benefit from the landscape existing on the site). The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- The replacement of trees proposed to be lost in site clearance works.
- New tree planting
- Details of boundary treatment
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.

The approved scheme shall be implemented before the development approved in that submission is brought into use. It will be managed for at least 5 years from the completion of the scheme, in accordance with the approved management details.

REASON: To ensure the satisfactory appearance of the development and protect wildlife.

5. No site clearance shall be commenced until a detailed tree protection scheme approved under Condition 4 has been implemented to protect all trees and hedgerows to be retained in or immediately adjacent to the boundary of the application site in accordance with BS5837: 2005 'Trees in relation to construction'. Any tree works shall be carried out by a recognised tree surgeon, or a person who is appropriately insured and competent in such operations.

REASON: To protect trees on the site, and to ensure the satisfactory appearance of the finished development.

6. No development shall commence on the site (including any demolition and clearance works) 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.

7. i) Prior to the commencement of development, including site works, until a Phase II ground investigation has been undertaken to establish the full nature and extent of any contamination of the site and the results of the investigation together with details of any remediation strategy necessary to render the site safe shall be submitted to the local planning authority for their assessment and written approval. Any remediation works required by the approved strategy shall be carried out in accordance with the approved remediation strategy.

ii) Upon completion of the approved remedial measures a site verification report shall be provided to the satisfaction of The Local Planning Authority including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use.

iii) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON: To protect human health and the environment and to identify potential contamination as the site lies within influencing distance of a former landfill waste disposal site and there is a possibility of risk from migrating landfill gas.

8. Prior to the commencement of development drainage plans for the disposal of foul sewage for the phase have been submitted to and approved by the Local Planning

Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON: To ensure that development is appropriately drained and managed in relation to sewage.

9. Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- i) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site.
- ii) infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the FRA has been updated accordingly to reflect this in the drainage strategy.
- iii) The limitation of surface water run-off to an agreed runoff rate;
- iv) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- v) Responsibility for the future maintenance of drainage features.

REASON: To prevent flooding and to ensure that the development promotes sustainable drainage.

10. Prior to built development commencing a schedule of the facing materials to be used has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the satisfactory appearance of the development.

11. Prior to first occupation of any dwelling hereby permitted details of the design for off-site highway works being a speed reduction scheme on Ratcliffe Road, Sibleby shall be approved and implemented to the satisfaction of the Local Planning Authority. Any street furniture or lighting that requires relocation or alteration shall be carried out entirely at the expense of the Applicant, who shall first obtain the separate consent of the Highway Authority.

REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

12. No part of the development shall be occupied until such time as the site access arrangements shown on PBA drawing numbered 39052/5501/006 Rev B has 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 Paragraph 32 of the National Planning Policy Framework 2012.

13. Prior to first occupation, a Green Infrastructure Biodiversity Management Plan, including long term design objectives, management responsibilities and maintenance

schedules, including ecological measures for all landscape areas, other than domestic gardens, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed Green Infrastructure Biodiversity Management Plan shall then be fully implemented in accordance with the agreed recommendations.

REASON: To ensure that protected species and ecological value is managed and delivered in accordance with the aims and objectives of Policy CS13 of the Core Strategy and Paragraph 109 of the National Planning Policy Framework 2012.

14. Prior to the commencement of development details of any associated lighting and boundary treatment to the proposed emergency, pedestrian and cycleway to Ratcliffe Road shown on PBA drawing numbered drawing ref: 39052/5501/021 shall be submitted to and approved in writing by the Local Planning Authority. The access shown on PBA drawing numbered drawing ref: 39052/5501/021 and associated approved works shall be implemented prior to first occupation.

REASON: To ensure the promotion of sustainable travel choices and an attractive route for pedestrians and cyclist.

15. Prior to the commencement of development a Construction Traffic Routeing Agreement shall be submitted to and approved in writing by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

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

16. No part of the development hereby permitted shall be first occupied until a Public Transport Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Public Transport Strategy should include as a minimum investigations into the following:

- New/Improvements (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities.
- Information display cases at the two most appropriate bus stops to inform new residents of the nearest bus services in the area.
- Bus shelter at the nearest bus stop; to provide high quality and attractive public transport facilities to encourage modal shift. Contributions towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift.

REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of a sustainable mode of transport in accordance with Chapter 4 of the National Planning Policy Framework 2012.

17. Prior to the occupation of each dwelling, the parking areas which relate to that dwelling shall be made available for the parking and manoeuvring of motor vehicles. The areas shall be retained for such purpose at all times thereafter.

REASON: To ensure that the public realm is delivered to a high standard, the parking areas function appropriately and provide an appropriate level of parking and are adequately drained and promote sustainable drainage methods in accordance with Core Strategy Policies CS2, CS11, CS12 and CS17 and paragraphs 32, 58 and 103 of the NPPF.

18. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.  
*REASON:* In the interests of the amenity of adjacent occupiers.

#### NOTES FOR APPLICANT:

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information:

<http://www.charnwood.gov.uk/pages/planapps>

The following notes should be taken into account when carrying out the development

1. The decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT – Saved Policies ST/2, CT/1, CT/2, EV/1, EV/29 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and policies CS1, CS2, CS3, CS11, CS12, CS13, CS15, CS16, CS17, CS18, CS24 and CS25 of the Charnwood Local Plan 2011 to 2028 have been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies and Core Strategies and there are no other material considerations which are of significant weight in reaching a decision on this application.
3. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
4.
  - i) Attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.
  - ii) Before traffic calming can begin, separate permits or agreements are likely to be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg).
  - iii) C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road

construction requirements. Work should not normally commence on site without prior notice being given to the Highways Manager.

iv) There may be a duty to register the water-retaining structure with the County Council as the proposed development may be subject to the provisions of the Reservoirs Act 1975 and should contact the County Solicitor for guidance/advice.

v) If the roads within the proposed development are to be adopted by the Highway Authority, the Developer is likely to be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge may be made before building commences.

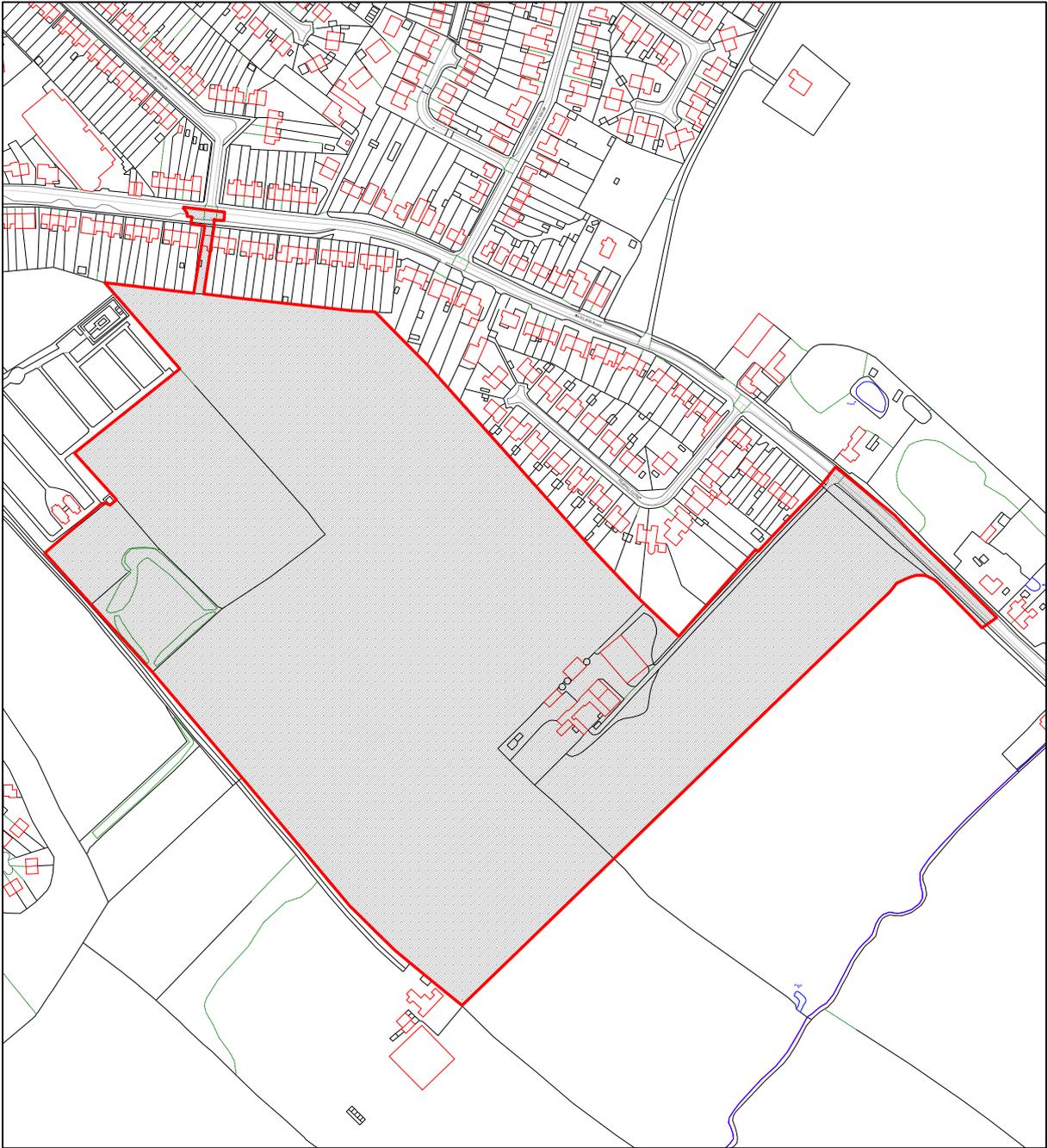
vi) Any street furniture or lining that requires relocation or alteration should be carried out entirely at the expense of the applicant, who should first obtain the separate consent of the Highway Authority.

5. The Highway Authority also request the following be noted:-

i) If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highway Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.

ii) If it is the developer's intention to seek either; the adoption of roads which incorporate non-standard features/materials, or the adoption of additional areas beyond that which would normally be considered necessary for the safe functioning of the highway, then commuted sums for future maintenance may be payable. The Applicant should refer to the 6C's Design Guide available at [www.leics.gov.uk/index/6csdg.htm](http://www.leics.gov.uk/index/6csdg.htm) for more information.

iii) The gradient of all the private vehicular access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.



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