

Item No. 5

Application Reference Number P/15/0047/2

Application Type: Outline

Date Valid: 09/01/2015

Applicant: Hallam Land Management & Trustees of the Skertchley Trust
Proposal: Site for the erection of up to 195 dwellings, together with public open space, landscaping, access and surface water attenuation.

Location: Land east of Seagrave Road, Sileby, Leicestershire, LE12 7NJ

Parish: Sileby

Ward: Sileby

Case Officer: Georgina Doyle

Tel No: 01509 634761

Background

Members will recall that this application was reported to Plans Committee on the 7th December 2017. That report is attached to this update as an annex.

Because the Local Planning Authority did not make a decision on this application within the agreed deadline, an appeal was lodged with the Planning Inspectorate against the non-determination of this planning application and is scheduled to be heard by way of Public Inquiry on 27th February 2018. Once an appeal has been lodged against non-determination, a formal decision cannot be taken by the Local Planning Authority.

When the application was reported to the Plans Committee on 7th December 2017, it was resolved that the officer recommendation would not be followed and that had the Council been in a position to determine the application, it would have been refused for the following reasons:

1. The general thrust of both local and national policy is to support sustainable development and of development that would promote the health and well-being of communities. Policy CS 1 of the adopted Charnwood Local plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies outside the limits to development of Sileby, which is identified by Policy CS 1 as being in the 'Service Centre' category of its settlement hierarchy. The supporting text to the Policy confirms that there are commitments for around 3,500 homes in Services Centre's which is sufficient to the meet the levels of planned provision and therefore we only expect to see small scale windfall developments within the settlement boundaries. Greenfield locations may be appropriate where there is a recognised local housing need and insufficient capacity within built up areas to meet that need. The proposal is not small scale, within the settlement boundary and neither has a local housing need been demonstrated. As such, the proposal is considered to be contrary to Core Strategy Policies CS 1 and CS 25, which both seek to reflect the presumption in favour of sustainable development contained in the National

Planning Policy Framework. Furthermore it is contrary to Policies CT/1 and CT/2 of the Adopted Borough of Charnwood Local Plan 1991-2006 and no material considerations have been advanced that warrant setting aside the provisions of the Development Plan;

2. The impact of odour and noise from the nearby poultry farm would detrimentally affect the amenity of residents of the proposed development contrary to Core Strategy Policy CS2;

This decision will also inform the Council's case at the forthcoming Public Inquiry.

The purpose of the report is to update Members on recent further clarifications from the highway authority on the impact of the proposals on the highway network in relation to this application, and in relation to proposals at Peashill Farm which appears elsewhere on this agenda (see application P/17/1578/2).

Having regard to the above new information, committee must consider whether, if as a result of the new information, and if the decision for P/17/1578/2 is one of approval, that in light of this new information, they would wish to advise the Planning Inspectorate be informed that the planning application would have been refused by the Borough Council for an additional reason of highway impact having regard to Core Strategy Policy CS18 and paragraph 32 of the NPPF.

Updated position

Immediately after the Plans committee resolution of the 7th December 2017, the applicant of P/17/1578/2 – land at Peashill Farm indicated that they would submit further highway mitigation options. However, the highway authority in response has provided the following further advice to the Borough Council in order to clarify their position in respect of the two proposals at Peashill and Seagrave Road.

'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’.

The highway authority also advises that in the event that both applications are ultimately approved that the advice on the cumulative impact is:

‘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

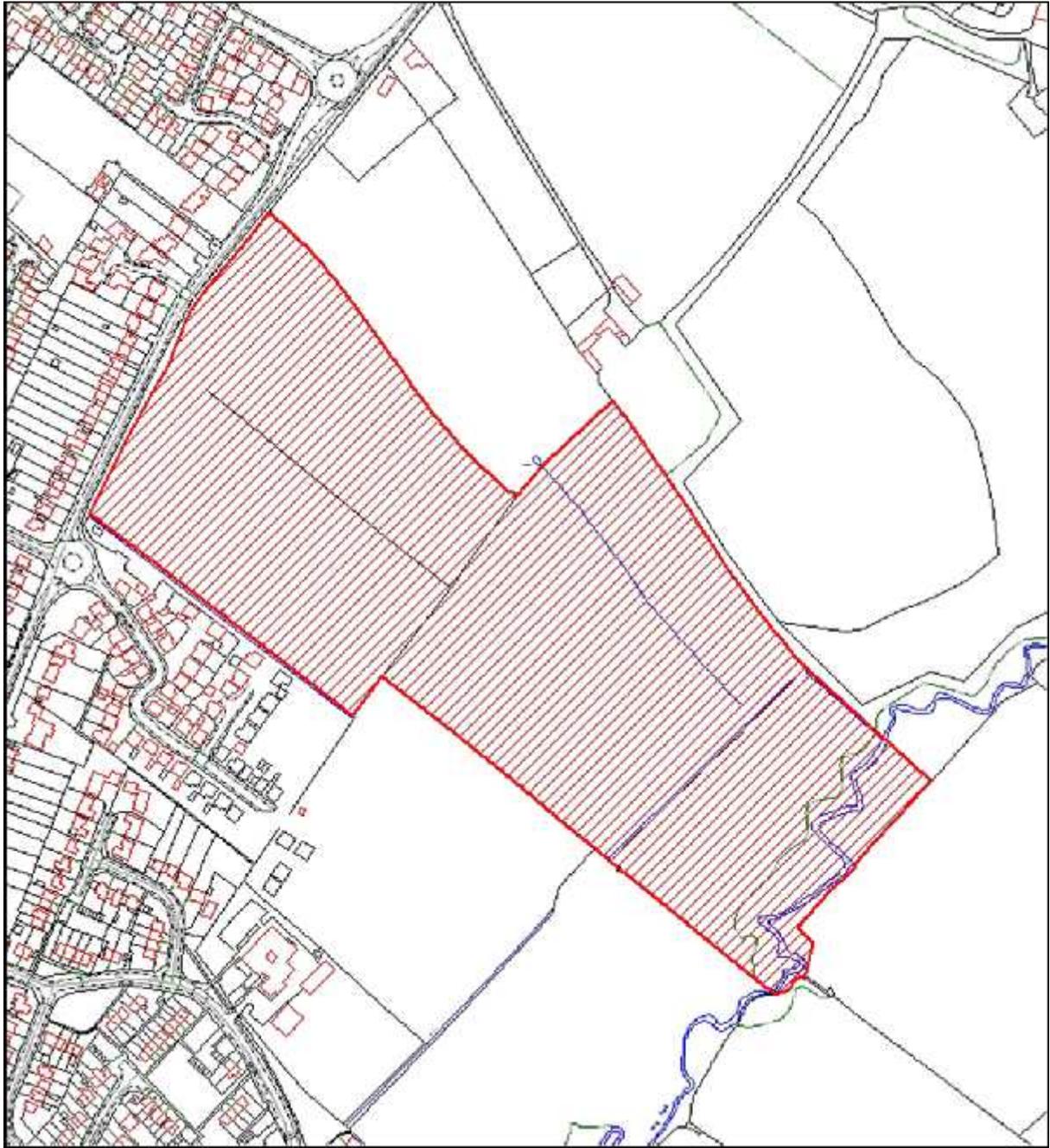
The Seagrave Road application is already being recommended for refusal at appeal. Therefore if the Peashill Farm application is approved, prior to consideration of the Seagrave road application at the appeal, it would take up the capacity on the highway network beyond which mitigation would be required. The highway authority has indicated in its latest correspondence as to why the proposed mitigation schemes were not considered acceptable and advises that **‘A key factor is the lack of available highway land in which to deliver an improvement at this junction’**. In light of this clarification from the highway authority, it is considered that a mitigation scheme for the Barrow Road / Mountsorrel Lane junction cannot be achieved. If the Peashill Farm application is therefore approved, it is recommended that an additional reason for refusal is included with this application relating to the severe impact the proposals would then have on the highway network.

RECOMMENDATION

In the event that Application P/17/1578/2 Land at Peashill Farm is approved, that the Planning Inspector be informed that an additional reason for refusal to the planning application would have been included by the Borough Council as a third reason. The third reason being as follows:

The proposal is considered to lead to an increase in vehicular movements for junctions within Sileby village centre which taking account of committed developments are overcapacity and suffer from existing on street parking and congestion issues. It is the view of the local planning authority that without a suitable highway mitigation package that would demonstrate a nil detriment on the highway network beyond 10 dwellings, this will lead to severe impact on the use of the highway network in the centre of Sileby and is therefore contrary to paragraph 30

which seeks to encourage development solutions that reduce congestion and paragraph 32 of the National Planning Policy Framework Development which states development should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposal is therefore contrary to policy CS18 of the Charnwood Borough Core Strategy and the National Planning Policy Framework.



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Application Reference Number P/15/0047/2

Application Type: Outline

Date Valid: 09/01/2015

Applicant: Hallam Land Management & Trustees of the Skertchly Trust
Proposal: Site for the erection of up to 195 dwellings, together with public open space, landscaping, access and surface water attenuation.

Location: Land east of Seagrave Road, Sileby, Leicestershire, LE12 7NJ

Parish: Sileby

Ward: Sileby

Case Officer: Georgina Doyle

Tel No: 01509 634761

Background

An appeal was lodged with the Planning Inspectorate against the non-determination of planning application P/15/0047/2. Once an appeal has been lodged against non-determination, a formal decision cannot be taken by the Local Planning Authority; however, it is obliged to consider how it would be minded to determine the application had it the opportunity to do so and report this decision to the Inspectorate.

Members will recall that this application was reported to Plans Committee on 21st July 2016 and 8th December 2016. Both reports are attached to this update as appendices.

The appeal was dismissed by the Planning Inspectorate on 27th March 2017. However, the appellant submitted a claim against the appeal decision to the High Court in April 2017. The appellant's claim is that the Inspector found saved policies ST/2, CT/1 and CT/2 of the Charnwood Local Plan to be inconsistent with the approach to countryside contained in the NPPF. The Inspector concluded that "all three policies should not be accorded full or substantial weight" on this basis, having regard to paragraph 215 of the Framework. However, later at paragraph 60 and 61 of the Appeal Decision, the Inspector went on to conclude that as he considered that a 5 year supply of housing land could be demonstrated, these policies "cannot be said to be out-of-date" for the purposes of the Framework. The Secretary of State, Local Planning Authority and the appellant agreed that the Inspector, having found there to be a five year housing land supply, erred in law by not addressing as a matter for his planning judgment whether the relevant policies may be out of date for other reason outside of paragraph 49 of the Framework, including that the policies were, in the Inspector's view, "time expired and not fully consistent with the NPPF", as assessed against paragraph 215 of the Framework.

The parties agreed to settle the claim and the High Court quashed the appeal decision on 31st July 2017 and ordered that the appeal be re-determined by the Planning Inspectorate. The date of the subsequent public inquiry is planned to commence on 26th February 2018 and is scheduled to run for 4 days.

This report is related to the same application and is being brought back to Plans Committee because of the elapsed time since its resolution in July 2016 and the need to ensure that any changes to planning policy and other material considerations are reconsidered by the local planning authority before the appeal is reheard in February 2018. The decision will therefore inform the Council's case when the appeal is reheard in February 2018.

The application has not been subject to any further public consultation since the public inquiry was heard as the application proposal remains the same as was considered by Plans Committee in July 2016 and December 2016. Nevertheless, 2 comments have been received from residents and these have been sent to the planning inspectorate for consideration. These comments can be viewed in full on the online application file.

Members are advised that a new outline planning application has been received on this site which is identical to this application. The application number is P/17/2182/2.

Responses of Statutory Consultees

Environmental Health

Environmental Health has confirmed that there have been no material changes to the nearby poultry farm or to relevant legislation that would change their original view on noise and odour issues. Therefore they continue not to object to the application.

Leicestershire County Council (Highway Authority)

The Highway Authority has reappraised the site in light of other planning applications that have been submitted that involve development in Sileby. This includes a reassessment of the cumulative impact of all planning applications on the highway network.

The Highway Authority advise that if this development and the development at Peashill Farm (reference P/17/1578/2) were to be considered concurrently, then in accordance with the Barrow and Sileby 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.

Leicestershire County Council

Leicestershire County Council has confirmed that its infrastructure requests remain as per the amounts set out in the original committee report.

NHS England

The NHS has requested £121,423.68 compared to the previous request of £119,749.92. This contribution would be put towards providing accommodation at Highway Surgery (£58,429.44) and The Bank Surgery (£62,994.24).

Leicestershire Police

The Police have advised that they do not wish to seek infrastructure contributions as they are unable to provide justification that the original infrastructure request provided on the previous application submissions remains valid.

Updated Position

Since the appeal was considered at the public inquiry in February 2017 and in order to inform the further public inquiry in February 2018, the proposal has been reappraised against the policies in the Development Plan. The main issues are:

- Ñ The Five Year housing land supply;*
- Ñ Whether the proposal is in accordance with the relevant policies of the Development Plan.*
- Ñ Other material considerations*

Five Year housing land supply

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Charnwood comprises the Core Strategy and those saved policies within the Local Plan which have not been superseded by the Core Strategy.

At present, the Council has only 4.6 year's supply of deliverable housing sites (as at 31st March 2017) and in such cases paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework (the presumption in favour of sustainable development) states, that where policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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.

Whether the proposal is in accordance with the relevant policies of the Development Plan.

Full details of the policies referred to when considering development at this application site are in the original committee report from July 2016, which is appended to this report.

Development Strategy for Charnwood

Following the publication of the latest full monitoring year figures regarding the Council's Supply of Housing Land, further consideration as to how the development accords with policies CS 1, CS11, CS12, CS14, CS 16, CS 17 and CS 18 of the Core Strategy and policies ST/2, CT/1, CT/2 and TR/18 of the Local Plan must be given.

Policy CS 1 defines the settlement hierarchy and the criteria for considering proposals within individual tiers of settlements. The Development Strategy set out in Policy CS 1 seeks to guide development to locations that are well connected to jobs, services and infrastructure in order to provide a sustainable pattern of development. Up to 3,000 homes are expected across the seven service centres although in excess of 3,600 homes have so far been provided. It is not considered that this development would undermine the overall development strategy where it can respond positively to sustainable development which contributes towards meeting the borough's development needs. The Core Strategy supports sustainable development which contributes towards meeting our remaining development needs, supports our 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. Meeting housing need is a relevant consideration in this case as the Council cannot demonstrate a 5 year supply of deliverable housing sites.

Whilst Policy CS 1 is not considered to be up-to-date and cannot be ascribed full weight, the policy has a role in delivering a sustainable pattern of development. For this reason it is considered to have significant weight. The application site is located outside of, but adjacent to, the limits to development for Sileby within an area of countryside, which Policies CT/1 and CT/2 seek to protect. The supporting text of the Core strategy says greenfield locations may be appropriate where there is a recognised local housing need.

Policies ST/2, CT/1 and CT/2 of the Borough of Charnwood Local Plan work in conjunction with Policy CS 1 to at least, in part, control and direct where residential development can be located. They define the land which is considered to be within the urban area and that which is countryside. In doing so, they provide that part of the development strategy which seeks to manage patterns of development to ensure that landscape and the countryside are protected and these respects they have consistency with the Framework. These policies precede the publication of the Framework, the wording of CT/1 refers to protecting "countryside for its own sake" and that development in countryside will be strictly controlled, the terminology of which is not found within the Framework. There is a need therefore to consider the degree of weight that should be attached to CT/1 and CT/2.

As noted above ST/2 is a policy for the supply of housing. 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 all 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.

Our Environment

The Core Strategy refers to Charnwood's Environment as all types of Green infrastructure, from landscape, countryside and strategically important natural areas, through to specific policies for protecting and enhancing our heritage and our network of green spaces for people and for wildlife. The policies relevant to this application are CS11, CS12, CS14 and CS16 of the Charnwood Local Plan Core Strategy.

Full details of how this development would impact on Charnwood's natural, built and historic environment can be found in the original committee report from July 2016, which is appended to this report. It is considered that there are no changes in circumstance that would mean that policies on the Environment are out-of-date. The weight to be attached to these environment policies requires consideration, especially their consistency with the Framework as a whole. If these policies were to be applied with full force then they would frustrate the government aim, as expressed through the Framework of significantly boosting housing supply. Environment policies also have a role in delivering sustainable development, and are broadly consistent with the Framework in this respect. The change in the borough's housing supply position is considered to have reduced the weight of environment policies, albeit very marginally: these policies are considered to carry very significant weight. Overall, it is considered that the development in this location would not have a significant impact on landscape, agricultural land quality, biodiversity and heritage.

Access and Travel

The Core Strategy seeks to reduce the reliance on the car by helping our community to make journey by walking, cycling and public transport. Policies relevant to this planning application are policy CS 17 of the Core Strategy that seeks to achieve a 6% shift from travel by private car to walking, cycling and public transport, Policy CS 18 which seeks to maximise the efficiency of the local and strategic road network by 2018 and policy TR/18 which ensure that adequate parking provision is provided in new development. These policies are considered to comply with the Framework that sets out to ensure that development would not have a severe impact on the highway network. As these policies do not restrict the supply of housing, it is considered that they also carry full weight.

Following the public inquiry in February 2017, the following relevant planning applications have been submitted at Sileby:

Planning Application Number	Address	Description
P/16/1359/2	Former Waste Site, Cemetery Road, Sileby	A resolution to grant the erection of 108 dwellings

Planning Application Number	Address	Description
		<i>with access served off Cemetery Road was made on 10th October</i>
<i>P/17/1578/2</i>	<i>Peashill Farm, Ratcliffe Road, Sileby, Leicestershire LE12 7QB</i>	<i>Outline application for up to 170 dwellings with associated open space, landscaping, extension to cemetery, new allotments, access, surface water and attenuation and associated works including demolition of 94 Ratcliffe Road and conversion of existing farm buildings.</i>

In light of these applications, further comments have been requested from the Highway Authority to consider whether the cumulative impact of these 2 applications and the appeal site would have a severe impact on the highway network.

The application for 195 dwellings at Seagrave Road was originally considered by the Highway Authority in 2015. At this time, there was another live application (ref P/13/1889/2) at Peashill Farm for 284 dwellings. The Transport Assessment submitted in support of the planning application assessed Peashill Farm in addition to the 195 dwellings proposed at the appeal site. At that time the Local Highway Authority advised that the impact of the development when taken into consideration alongside the Peashill Farm proposal would not result in “severe” impact in the context of Paragraph 32 of the Framework. The Peashill Farm application was subsequently refused by the Local Planning Authority in April 2015, although not on highway grounds.

On the basis of the Sileby and Barrow-upon-Soar Transport Study, the highway authority has been of the view that a total of 195 dwellings have been taken in to account which the Study identifies at Seagrave Road because this was the only application made at the time of the Study being prepared. 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 into account.

Both the Study and recent analysis undertaken by the Highway Authority as part of the submitted Peashill Farm proposals (for 170 dwellings) identified a severe impact at the Mountsorrel Lane/Barrow Road junction as a result of cumulative development. The Highway Authority being of the view that 195 dwellings had already been accounted for at Seagrave Road and therefore the additional 170 dwellings are in excess to this, with unmitigated impacts. This is because cumulative development 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 this application and the Peashill Farm 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.

Two proposed mitigation schemes have been submitted for the Peashill Farm application by the applicant to the Highway Authority for which the Highway Authority will confirm whether both will allow the impact on the highway network to be mitigated prior to Plans Committee meeting on 7 December. However, no mitigation package has been provided for this planning application at the time of writing this report.

As the Peashill Farm site would be the first of the two schemes to be determined (with the Seagrave Road scheme to be considered by the Planning Inspector in February 2018), if the Peashill Farm application is approved, it would consume the highway capacity within Sileby. However, if the mitigation package provided for the Peashill Farm application is accepted by the Highway Authority as a design solution, it is considered that the impact of the Seagrave Road application would not individually or cumulatively have a severe impact on the highway network.

Having regard to the above scenarios, it is considered by the Local Planning Authority that whilst there is a solution that will mitigate the impacts of proposals to an acceptable level in highway terms, it is not possible to conclude which site may be developed first. As a result it is considered necessary for both developments to have a planning condition imposed, which requires appropriate mitigation to be undertaken.

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. If the cumulative impact is addressed through an appropriate mitigation package with the Peashill Farm application, it is considered that the impact of this application on the highway network would not be severe confirming the advice given to members in December 2016.

Infrastructure and Delivery

Assessments have been sought from infrastructure providers to ensure what they originally requested as part of the application is still necessary and that there remain no material considerations in terms of there being adequate infrastructure to support this development. Leicestershire County Council has confirmed that its infrastructure requests remain as per the amounts set out in the original committee report.

The NHS has requested £121,423.68 compared to the previous request of £119,749.92. This contribution would be put towards providing accommodation at Highway Surgery (£58,429.44) and The Bank Surgery (£62,994.24). The increase in the amount requested is due to the number of existing patients at both surgeries increasing since the application was first submitted.

The Police have also been invited to update their infrastructure request but at the time of writing this report no update had been provided.

These contributions were previously considered at the public inquiry and the Inspectorate has been notified of the updated position from all of the infrastructure providers. It was concluded at the public inquiry that all of the infrastructure request comply with the CIL Regulations. It is considered that the proposal, without these contributions, would have an unacceptable impact on social infrastructure that would serve the development.

In summary, it is considered that the development strategy for Charnwood has reduced weight due to the absence of a five year housing land supply. The other policies within the development plan related to the Environment, Access and Travel and Infrastructure and Delivery carry full weight with the exception of CS11 which is reduced, although it is noted that this development would comply with CS11 and those policies. .

Other material considerations

Paragraph 109 of the Framework, requires that Local Planning Authorities consider preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affect by unacceptable levels of air and noise pollution.

The Council's Environmental Health officer has reconsidered the proposal and has confirmed that there have been no material changes to the nearby poultry farm or to relevant legislation that would change their original view on noise and odour issues. Therefore they continue not to object to the application.

Planning Balance and Conclusion

The Local Planning Authority resolved in July 2016 and December 2016 that they would have refused planning permission for this planning application for the following reason:

“The general thrust of both local and national policy is to support sustainable development and of development that would promote the health and well-being of communities. Policy CS 1 of the adopted Charnwood Local plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies outside the limits to development of Sileby, which is identified by Policy CS 1 as being in the ‘Service Centre’ category of its settlement hierarchy. The supporting text to the Policy confirms that there are commitments for around 3,500 homes in Services Centre’s which is sufficient to the meet the levels of planned provision and therefore we only expect to see small scale windfall developments within the settlement boundaries. Greenfield locations may be appropriate where there is a recognised local housing need and insufficient capacity within built up areas to meet that need. The proposal is not small scale, within the settlement boundary and neither has a local housing need been demonstrated. As such, the proposal is considered to be contrary to Core Strategy Policies CS 1 and CS 25, which both seek to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Furthermore it is contrary to Policies CT/1 and CT/2 of the Adopted

Borough of Charnwood Local Plan 1991-2006 and no material considerations have been advanced that warrant setting aside the provisions of the Development Plan.”

In light of the Local Planning Authority being unable to demonstrate a five year housing land supply, there is a need to reconsider the planning balance.

Policies CS1 and ST/2 are considered out-of-date and in such circumstances paragraph 14 of the Framework indicates 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.

The absence of a 5 year supply of deliverable housing sites has affected the weight to be given to policies CS1, ST/2, CT/1, CT/2 and TR/18 of the Borough of the Charnwood Local Plan and Policies CS 11, CS 12, CS 14, CS 16, CS 17 and CS 18 of the Charnwood Local Plan Core Strategy and the weight to be attributed to these policies is described in this report.

The original Plans Committee report confirmed that this site would not have an adverse impact on the environment in terms of landscape, heritage, flooding and loss of agricultural land. Subject to suitable mitigation being achieved that would mitigate the cumulative impact on the highway network within Sileby, the Highway Authority is satisfied that this site individually and cumulatively would not have a severe impact on the Highway network. The proximity of the site to the nearby poultry farm would not be detrimental to residential amenity in terms of noise and odour and it is considered that the impact on social infrastructure would be mitigated with the requested contributions.

The Development Strategy for Charnwood has reduced weight and no adverse impacts of developing in this location have been demonstrated that would significantly and demonstrably outweigh the benefits of providing the housing. It is therefore considered that at this time the grounds for refusing the application are overcome and that the Planning Inspectorate should be notified that the local planning authority is of the view that it would approve planning permission in light of new material considerations if it was able to determine the application itself.

A list of planning conditions and the draft S106 legal agreement was submitted to the public inquiry in February 2017, which was agreed by all parties. The planning conditions are attached to this report as appendices. It is recommended that the list is amended to include a condition that requires appropriate mitigation measures to be undertaken at the Mountsorrel Lane/Barrow Road junction, which provides the sole direct access between the A6 and Sileby in the event both permissions being considered as acceptable.

Recommendation

That the Planning Inspectorate be informed that the local planning authority would be minded to approve the planning application, subject to the planning conditions set out in Appendix C to this report and a new planning condition for mitigation at the Mountsorrel Lane / Barrow Junction which will be provided in the extras report when it is anticipated final highway advice will be received, and the signing of a Section 106 legal agreement, given the new material considerations.

Item No.

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Applicant:	Hallam Land Management & Trustees of the Skertchly Trust		
Proposal:	Site for the erection of up to 195 dwellings, together with public open space, landscaping, access and surface water attenuation.		
Location:	Land east of Seagrave Road, Sileby, Leicestershire, LE12 7NJ		
Parish:	Sileby	Ward:	Sileby
Case Officer:	Georgina Doyle	Tel No:	01509 634761

Background

Members will recall that this application was reported to Plans Committee on the 21st July 2016. That report is attached to this update as an appendix.

An appeal has been lodged with the Planning Inspectorate against the non-determination of this planning application and is scheduled to be heard by way of Public Inquiry on 7th February 2017. Once an appeal has been lodged against non-determination, a formal decision cannot be taken by the Local Planning Authority.

The application was initially reported to the Plans Committee on 21st July 2016 when it was resolved that had the Council been in a position to determine the application it would have been refused for the following reasons:

1. The general thrust of both local and national policy is to support sustainable development and of development that would promote the health and well-being of communities. Policy CS 1 of the adopted Charnwood Local plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies outside the limits to development of Sileby, which is identified by Policy CS 1 as being in the 'Service Centre' category of its settlement hierarchy. The supporting text to the Policy confirms that there are commitments for around 3,500 homes in Services Centre's which is sufficient to the meet the levels of planned provision and therefore we only expect to see small scale windfall developments within the settlement boundaries. Greenfield locations may be appropriate where there is a recognised local housing need and insufficient capacity within built up areas to meet that need. The proposal is not small scale, within the settlement boundary and neither has a local housing need been demonstrated. As such, the proposal is considered to be contrary to Core Strategy Policies CS 1 and CS 25, which both seek to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Furthermore it is contrary to Policies CT/1 and CT/2 of the Adopted Borough of Charnwood Local Plan 1991-2006 and no material considerations have been advanced that warrant setting aside the provisions of the Development Plan;

- 2. The proposal is considered to lead to an increase in vehicular movements for junctions within Sileby village centre which taking account of committed developments are over capacity and suffer from existing on street parking and congestion issues. It is the view of the local planning authority that this will lead to severe impact on the use of the highway network in the centre of Sileby and is therefore contrary to paragraph 30 which seeks to encourage development solutions that reduce congestion and paragraph 32 of the National Planning Policy Framework Development which states development should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

This decision will inform the Council's case at the forthcoming Public Inquiry.

The application is being brought back to the Plans Committee with reference to the second reason for refusal, which was added to the officer's recommendation by Members at the Plans Committee meeting on 21st July 2016.

The Transport Assessment submitted with the planning application indicated that the development would not be harmful to highway safety, nor will it have an effect on all but one of the nearby road junctions. The junction with Brook Street and Cossington Road, Sileby, would operate over capacity after the committed development and this application site is taken into account. However, the applicant points out that the junction is already over capacity and this proposed development would add only 4 vehicles to the Brook Street approach arm in the morning peak hour and 8 vehicles in the evening peak hour. In other words, the evidence shows this junction is already over capacity and the proposed development would not significantly add to this capacity problem.

The Highway Authority considered the technical evidence put forward by the applicant in the Transport Assessment and the County Council's own Sileby and Barrow upon Soar Transport Study (2016), which includes this application site, when considering the impacts of committed developments on the transport network in the area. The Highway Authority advice is that the evidence does not demonstrate that the impact of the development would result in "severe impact" as referred to in paragraph 32 of the NPPF. Therefore, at the Plans Committee meeting on 21st July officers advised Members that a refusal of planning permission on highway grounds could not be justified.

Updated position

Following the Plans Committee meeting held on 21st July 2016, The Council has appointed an independent transport consultant to help the Local Planning Authority defend refusal reason number 2 at the Public Inquiry in February 2017.

The transport consultant's advice is that the conclusions reached in the applicant's Transport Assessment are reasonable. That is the predicted additional traffic will exacerbate an already poor situation but the additional impact will not amount to a "severe impact" given the small increases of traffic through the Brook Street/Cossington Road junction from the proposed development during the AM and PM peaks.

Consideration of the Planning Issues following the update

Members will be aware that in the previous report to Plans Committee on 21st July, the recommendation was one of refusal as set out in the report.

This update considers the application only in relation to the second reason for refusal. The first reason for refusal would remain in place.

The matter that needs to be given further consideration is what would be construed as 'severe impact' on the highway network as per paragraph 32 of the Framework. This development would increase traffic by 4 vehicles in the morning peak hour which would be a total of one vehicle every 15 minutes and 8 vehicles in evening peak hour which would be 1 vehicle every 7.5 minutes. Due to the small increase in traffic, this is not considered by the Highway Authority and the Council's own independent transport consultant to be a 'severe impact' on the junction in the context of para 32 of the NPPF. Therefore officers have no robust evidence to defend the reason for refusal.

Conclusion

In light of the above, it is considered that, notwithstanding past concerns of the Parish Council and the objectors (which are summarised in the July report and which can be seen in full on line), it would be extremely difficult to defend the second reason for refusal related to highway impact. Other committed developments have been taken into account when forming the view on highway impact and it is not intended for this development to make right existing problems. If Officers sought to defend this reason for refusal it is likely the local planning authority will be seen as being unreasonable with very significant risk of costs being awarded against the Council.

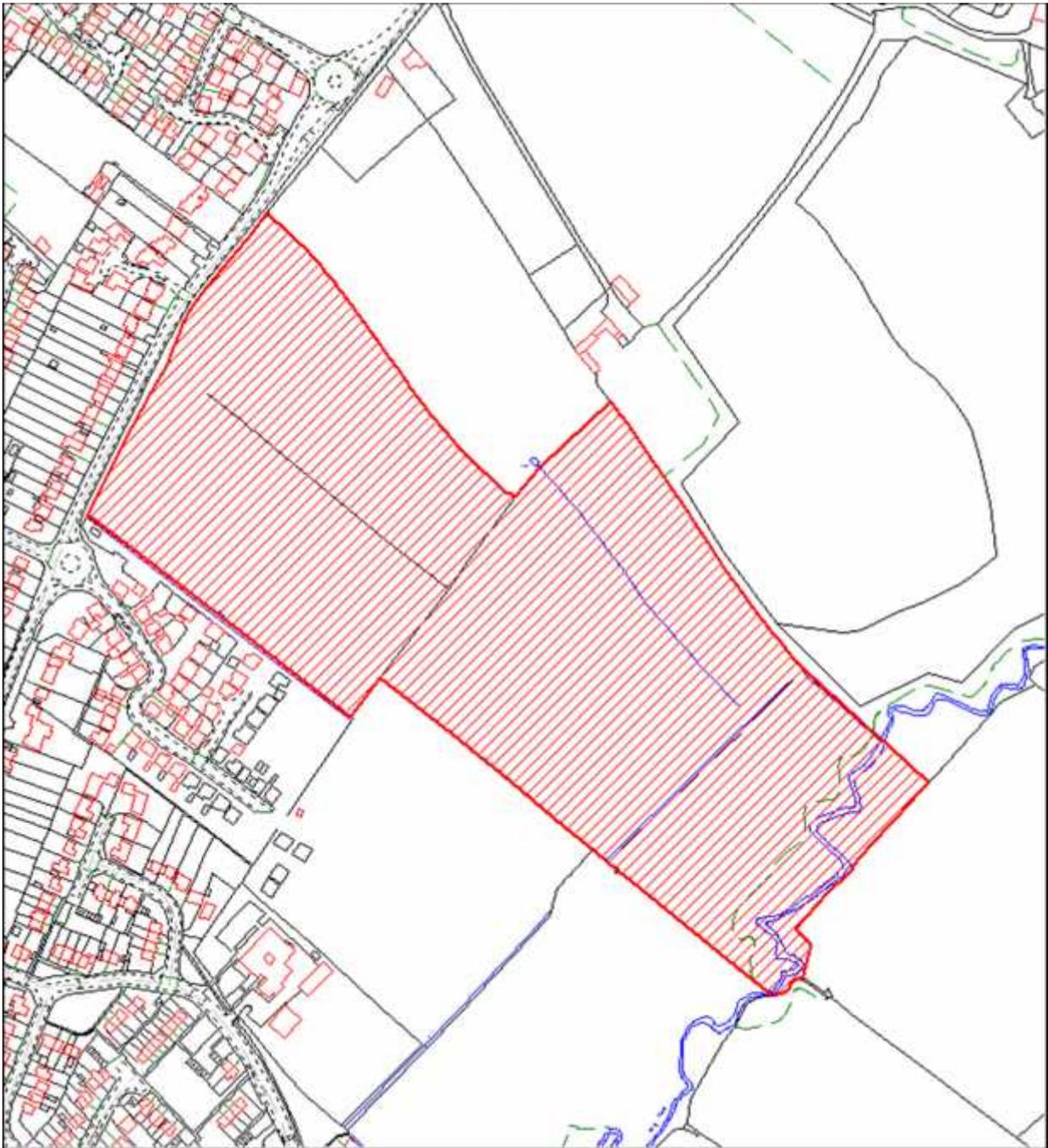
Accordingly, it is recommended that the application continues to be recommended for refusal but the Planning Inspectorate be notified that refusal reason number 2 for P/15/0047/2 has been removed from the draft decision notice and that this will not be defended at the appeal.

RECOMMENDATION

That the Planning Inspector be informed that the planning application would have been refused by the Borough Council for the following reason:

- 1. The general thrust of both local and national policy is to support sustainable development and of development that would promote the health and well-being of communities. Policy CS 1 of the adopted Charnwood Local plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies outside the limits to development of Sileby, which is identified by Policy CS 1 as being in the 'Service Centre' category of its settlement hierarchy. The supporting text to the Policy confirms that there are commitments for around 3,500 homes in Services Centre's which is sufficient to the meet the levels of planned provision and therefore we only expect to see small scale windfall developments within the settlement boundaries.*

Greenfield locations may be appropriate where there is a recognised local housing need and insufficient capacity within built up areas to meet that need. The proposal is not small scale, within the settlement boundary and neither has a local housing need been demonstrated. As such, the proposal is considered to be contrary to Core Strategy Policies CS 1 and CS 25, which both seek to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Furthermore it is contrary to Policies CT/1 and CT/2 of the Adopted Borough of Charnwood Local Plan 1991-2006 and no material considerations have been advanced that warrant setting aside the provisions of the Development Plan.



Application Reference Number P/15/0047/2

Application Type: Outline **Date Valid:** 09/01/2015

Applicant: Hallam Land Management & Trustees of the Skertchly Trust
Proposal: Site for the erection of up to 195 dwellings, together with public open space, landscaping, access and surface water attenuation.

Location: Land east of Seagrave Road,
Sileby,
Leicestershire, LE12 7NJ

Parish: Sileby **Ward:** Sileby
Case Officer: Georgina Doyle **Tel No:** 01509 634761

Background

An appeal has been lodged with the Secretary of State against the non-determination of this planning application. It is therefore being reported to Plans Committee seeking a decision as to what view, if the Council had been in a position to determine the application, it would have taken on the proposal. The decision of the Plans Committee will inform the Council's case for the appeal process that ultimately will be determined by the appointed Inspector at a forthcoming Public Inquiry. If the resolution is that planning permission would have been granted, appropriate planning conditions and S106 requirements need to be identified. Once an appeal has been lodged against non-determination, a formal decision cannot be taken by the Local Planning Authority.

The Secretary of state has received a "third party" request to call in this planning application. Therefore the Committees needs to be reported to the National Planning Casework Unit.

Description of the Site

The application site is located in open countryside to the east of Seagrave Road in Sileby, and to the north of the Bellway Homes estate, which is currently under construction (P/12/2235/2), and served from a new roundabout from Seagrave Road. The application site comprises of a range of 5 agricultural fields of some 11.82 hectares.

To the north east of the site on the opposite side of Seagrave Road recent housing developments by Miller Homes - has extended the built up edge of the village further north than this site. As a result another new roundabout access has been constructed on Seagrave Road. Further to the north is Sunrise Poultry Farm a large free range poultry unit.

The site lies on the western slopes of the valley of the Sileby Brook with the landform falling away from the road towards the east. It is largely surrounded by established boundary hedges and trees which provide some screening of the site.

At the southern extremity of the site, is some dense vegetation on the banks of the Sileby Brook, and there is a public footpath (I43) which runs in a north-north easterly direction through the proposed public open space and links Sileby and Seagrave crossing the lower part of the site.

Description of the Proposal

The application is for outline planning permission for the development of up to 195 dwellings and associated infrastructure and public open space, and all matters are reserved apart from the access from Seagrave Road. It includes an indicative masterplan showing the provision of:

-) Access from Seagrave Road which would include a winding access road to overcome the gradient into the site (see the illustrative masterplan EMS.2557_004K);*
-) 30% affordable housing;*
-) Open space and play area;*
-) A 10m wide buffer planting area on the north-eastern boundary to take account of 'odours' and noise emanating from the Sunrise Poultry Farm; and*
-) Sustainable drainage system.*

The application is accompanied by the following documents:

-) Designs and Access statement (December 2014);*
-) Landscape and Visual impact assessment (December 2015);*
-) Flood risk assessment and Drainage Strategy (January 2015);*
-) Transport assessment and Travel Plan (December 2014);*
-) Utilities Statement (January 2015);*
-) Phase 1 Geo Assessment Report (July 2014);*
-) Ecological Assessment (September 2014);*
-) Arboricultural Report (December 2014);*
-) Agricultural Land Quality Assessment (September 2014);*
-) Planning Statement (December 2014);*
-) Consultation Statement (December 2014);*
-) Archaeological Assessment (June 2014);*
-) Noise Assessment (June 2015); and*
-) Odour Report (December 2014).*

It must be noted that the National Planning Case Workers Unit has asked to be informed of any decision that is made on this application.

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 with growth focused in sustainable urban extensions at the edge of Leicester and Loughborough and Shepshed. For Service Centres, (of which Sileby is one), Policy CS1 makes provision for at least 3,000 new homes between 2011 and 2028. Policy CS1

states that role of Service Centres will be positively planned by responding positively to sustainable development which contributes towards meeting the borough's development needs, supports the Core Strategy strategic vision, makes effective use of land and is in accordance with policies in the Core Strategy.

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 Seagrave, 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 defines the countryside as the undeveloped area beyond the limits of our villages and towns and it requires new development to protect landscape character, 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 - deals with open space and requires all new development to meet the standards in the open space Strategy for the quantity, quality and accessibility of open space in new development, based upon an audit of need and the requirement for sustainable growth. New developments should demonstrate how these Open Space standards will be met on site or alternatively, if appropriate, off site, having regard for local provision and viability.

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

Borough of Charnwood Local Plan 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 ones 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. This policy restricts new development to that which is small-scale and where it meets one or more of 4 criteria, including: being essential for the operation of agriculture, facilitate diversification of rural economy, improve facilities for recreation, implement strategically important schemes such as for infrastructure.

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 Planning Considerations

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development and defines 3 roles a development must fulfil in order to be sustainable:

-) 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*

Achieving these three roles is imperative for any scheme to be considered acceptable. In addition the NPPF offers the following advice that is particularly relevant to the consideration of this proposal:

-) All housing applications should be considered in the context of the presumption in favour of sustainable development and where a 5 year supply can be demonstrated (para 49) housing supply policies may be considered to be up to date Para 17 supports the effective use of land by reusing brownfield land and promotes mixed use developments and the delivery of community facilities*

-) *In para 21 support for existing business sectors whether they are expanding or contracting is advised*
-) *Para 50 advises Local Planning authorities to plan for a mix of housing*
-) *In para 58 criteria are listed that all development should seek to achieve, in order to ensure good design is achieved*

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

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.

S106 Developer Contributions Supplementary Planning Document (adopted 2007).

The Supplementary Planning Document 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.

Community Infrastructure Levy Regulations (CIL), 2010 (as amended)

Regulation 122 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be a reason for granting planning permission, 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.*

The 6Cs Design Guide

The Highway Authority is one of six East Midland authorities that have adopted the Design Guide for new development. The guide contains in Section DG6 - Public Transport, advice that pedestrian access to bus routes should generally, in urban areas, be a maximum of 400 metres and desirably no more than 250 metres. In rural areas the walking distance should not be more than 800 metres.

Sileby and Barrow upon Soar Traffic and Transport Study (2016)

This report summarises current transport conditions and development commitments in Sileby and Barrow upon Soar in order to inform future highway advice on development proposals in these villages.

It must be noted that the Highway Authority has clarified that the Study takes into account its advice on this planning application as this pre-dated the finalisation of the Study.

Therefore the conclusions in the Study are reached having considered the impacts of this proposed development on the transport network in the area.

In relation to Sileby, the report states that the area which will see the most highway 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. It is considered that further increases in traffic over and above those included in the Study will have an unacceptable impact on the road network. At the time of writing this report the mitigation considered to be necessary at the above mentioned junction is not considered by the Highway Authority to be capable of being implemented because of how the junction is confined within the road layout which gives little option to change the design due to lack space and because of the complicated geometry of the junction.

The report concludes that any further large developments (over 10 dwellings) in Sileby and Barrow upon Soar should be resisted on highway grounds unless the proposals can demonstrate a nil-detriment position over existing traffic conditions.

Relevant Planning History

None

Responses of Statutory Consultees

Natural England

Natural England raised no objection to the application.

Sileby Parish Council

The Parish Council objects to the proposal on the following grounds:

-) It does not conform to the Local Plan;
-) The development would add to the negative cumulative effect of development on the road network, both arterially and within the village, where parking is at crisis point;
-) The development is not sustainable as existing infrastructure (schools, parking, road network and Doctors) are full to capacity; and
-) odour pollution from the poultry farm that could affect the development. The odour sometimes goes beyond the boundary line shown in the report, which would impact on the new development.

If the application is approved, the Parish Council requests a planning condition be included to ensure that construction traffic routes would be agreed prior to the commencement of work, and for the road structure to be in place prior to building.

Highway Authority

The Local Highway Authority advice is that the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the planning conditions and planning obligations outlined in this report.

The Highway Authority is prepared to look favourably upon the proposal because of the following reasons:

-) The Highway Authority consider that whilst there are concerns regarding the gradient of the access, this can be addressed at the detailed design stage and therefore is deemed acceptable; and*
-) Whilst the site is further than the acceptable 400m distance from the nearest bus stop the Highway Authority considers that it would not be able to sustain a highway objection on public transport grounds.*

The following S106 planning obligations have been requested:

-) Travel Packs;*
-) 2x 6 month bus passes per dwelling (£350 per pass);*
-) New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); £3263.00 per stop;*
-) Information display cases at 2 nearest bus stops; £120.00 per display;*
-) Bus shelters at 2 nearest bus stops; £4,908.00 per shelter;*
-) A contribution of £5,150.00 towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility;*
-) £6000.00 for Travel Plan monitoring using iTrace;*

The Highways Authority has requested that 6 planning conditions are included if the application is approved.

Leicestershire County Council (Access Officer)

The access officer has raised no objection to the proposal subject to conditions being added to any approval regarding the retention and improvement of the section of public footpath passing through the site. £71,000 contributions are requested to upgrade the northern leg of the path to Sileby (new signage, replacing styles with hand-gates and improvements to foot- bridges).

Charnwood Borough Council (Housing Strategy and Support Manager)

The Housing Strategy and Support Manager has advised that the affordable housing requirement would be 30% in accordance with Policy CS3 of the core strategy. 20% of

affordable homes should be Low Cost Home Ownership and the remaining 80% comprising Social and Affordable rent.

The Environment Agency

Following the revised flood risk assessment, the Environment Agency has raised no objection to the application provided a number of condition are included if the application is approved.

Leicestershire County Council (Local Lead Flood Authority)

The Local Lead Flood Authority considers that there may a risk of surface water flooding and as such this factor would need to be taken into account at the drainage design stage. No objections have been raised provided that the application would improve the green field run off rates on site. Therefore planning conditions would be included with any planning permission to ensure this happens.

Severn Trent Water

Severn Trent Water raises no objections to the planning application subject to the inclusion of a planning condition related to foul and surface water drainage to be included on any approval of planning permission.

Third Party Representations

Rt Hon Nicky Morgan M.P

The Rt Hon Nicky Morgan M.P has raised her concerns regarding the combined impact of developments in and around Sileby on village services and highway infrastructure. She asks that the Borough Council ensure that this combined impact has been assessed in relation to the village rather than examining each case in its own right, and that highway modelling of the increased number of residents/vehicles should take account of the issues involved in times of flooding.

Leicestershire Campaign for the Protection of Rural England (CPRE)

Leicestershire CPRE objects to the application on the following grounds:

-) Core Strategy does not identify land for housing in Sileby;
-) Do not agree with the agricultural land classification and consider that it is better quality than that stated;
-) Do not agree with the Landscape Assessment, since the urban influence on the countryside does not diminish, and the proposal offers no protection from this urbanising effect. The development does not protect the countryside for it's own sake and weakens the separation gap between Sileby and Seagrave;
-) There are errors on the Travel Plan – the No 27 bus service does not run in the evenings or on Sundays;
-) The site is not sustainable in transport terms. The distance from the development to bus stops and lengthy journeys to Loughborough and Leicester will make the private car the preferred option;

-) *The development will cause more congestion within the village; and*
-) *Parking for schools and within other streets near the centre adds to congestion.*

Other Responses

A total of 42 letters of objection has been received from the occupier of surrounding residential property, and other dwellings within Sileby, and relate to some of the following issues:

-) *No more houses are needed to fulfill the requirements of the Charnwood Local Plan Core Strategy;*
-) *The development would not provide housing for older people;*
-) *Impact on noise, air and visual pollution because of the development;*
-) *The impact on the character of the village;*
-) *The loss of/ impact on countryside, open space and agricultural land;*
-) *It is not sustainable – it is too far from the village centre and schools and doctors cannot cope with extra residents;*
-) *Section 106 commitments should not be used to justify the development and should be to a recognised formula that should be publically available;*
-) *Brownfield sites around the Borough are not being used to boost the 5-yr Housing Land Supply, and instead, unsuitable sites are being progressed;*
-) *Impact of approved but not yet built housing has still to be assessed;*
-) *Impact on traffic;*
-) *The proposed access is not acceptable as there would be too many junctions on a short stretch of road which would be unsafe and create congestion;*
-) *Negative impact of construction traffic and machinery;*
-) *The land is subject to flooding and the flood-risk assessment fails to consider the effect of run-off from hard surfaces and other schemes further up-stream;*
-) *Foul sewers do not have the capacity for extra houses;*
-) *The poor design of dwellings would impact on views from the footpath;*
-) *The proposed playground that will attract vandals;*
-) *The loss of trees and hedges is resulting in a loss of wildlife;*
-) *Site is close to a chicken farm with flies, odour and ammonia fumes; and*
-) *Development would impact on the operations and therefore the future of Sunrise Poultry Farm and its ability to function long-term.*

Consideration of the Planning Issues

The key issues in considering this outline application are:

-) *The principle of development*
-) *Sustainable Development*
-) *Impact on the loss of agricultural land.*
-) *Relationship to nearby poultry unit/noise/smell and amenity*
-) *Highways*
-) *Flooding and Drainage*
-) *Infrastructure*

The principle of development

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Charnwood comprises the Core Strategy and those saved policies within the Local Plan which have not been superseded by the Core Strategy.

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

Policy CS1 of the Core Strategy sets out a settlement hierarchy for the Borough and the criteria for the considering proposals within individual tiers of settlements. CS1 is an expression of a sustainable growth pattern for the Borough. It takes the form of a hierarchical sequential approach guiding development first to the northern edge of Leicester and then to Loughborough and Shepshed before targeting service centres and then smaller villages. In doing so it provides an allowance for the number of homes that will be planned for at each point in the Hierarchy.

In the period between the base date of 2011 and the latest full monitoring period of 31st March 2016 approximately 3,518 homes have been committed within or adjacent to the Service Centres meaning that housing needs of Service Centres for the plan period have been met. The Council is also able to demonstrate that it has a 5.93 year supply of housing as of 31st March 2016. Nevertheless, the Development Strategy set out in Policy CS1 seeks a positive response to sustainable development proposals for Service Centres, including Sileby, which contribute towards meeting development needs, support the strategic vision, make effective use of land and are in accordance with the policies of the Core Strategy. This said, paragraph 4.46 of the Core Strategy explains that the priority for new development that takes place at Service Centres is to be within their built-up areas and not outside in the countryside.

The proposal is neither a small-scale 'windfall' nor is it within the village development limits as defined within Saved Local Plan Policy ST/2. The proposal is a greenfield site within countryside, a location where housing development is ordinarily strictly controlled unless there are exceptional circumstances. The proposal is therefore contrary to saved development plan policies ST/2, and CT/1 and CT/2 of the Borough of Charnwood Local Plan 2004.

There is no evidence that this development is required to safeguard existing facilities and services within Sileby or the surrounding area to benefit residents of the development.

With regard to the requirement to make effective use of land, this site is greenfield. Paragraph 112 of the NPPF also supports the view that the development of previously developed land should be encouraged. Paragraph 111 further confirms that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality (Paragraph 112).

It should also be noted that this site was not promoted as an alternative site in the recent Core Strategy examination as an alternative site to meet Charnwood's development needs up to 2028 and therefore there is no apparent need for the development to help meet the housing supply.

In this case, as there is no shortfall in the published five year housing land and it has not been demonstrated that the release of this greenfield site is necessary. The application is proposing major residential development on the edge of the existing urban area and outside the identified limits to development for Sileby.

From the above assessment, it is concluded that the proposed development in this location is unacceptable in principle and that a major development on this site would conflict with Policies CS1 of the recently adopted Core Strategy and saved policies ST/2, CT/1 and CT/2 of the Borough of Charnwood Local Plan 2004.

Sustainable Development

Paragraph 8 of the Framework makes it clear that the needs of the planning system to perform an economic, social and environmental role in achieving sustainability are mutually dependent and can't be looked at in isolation. The economic, social and environmental effects of the scheme are considered below.

Economic

Sileby is a service centre in the emerging Local Plan Core Strategy. It is therefore a location where a small amount of housing and employment development is necessary to maintain services and facilities. The proposal would provide jobs during construction. These are the limited economic benefits the proposal would bring. Whilst new householders may indirectly add to economic growth, it is not considered these benefits outweigh the harms caused as outlined elsewhere in the report.

Social

In terms of the social dimension of sustainable development, Sileby is defined as a Service Centre in the Core Strategy. Service Centres have a critical mass of at least 3,000 people and a good range of services and facilities and transport links that allow them to provide for the daily needs of residents as well as supporting nearby communities. The level of development planned for the Service Centres in the Core Strategy has been met through commitments and completions since 2011. There is therefore no planned need for additional development at the current time. Policy CS1 also states that greenfield locations may be appropriate but only where there is a recognised local housing or employment need. Apart from the delivery of affordable housing as part of the development, it has not been established in this instance that a local need would be met through this proposal.

The site is located approximately 1.5km from the village centre and can be reached via footways which are well lit and of a reasonable standard. It is, however, a return walk which is, for the most part, an uphill climb. Whilst this is not a difficult walk for a fit and

healthy person, it may be more challenging for people with health or mobility problems and for parents with young children.

Some approximate distances from the site to services are as follows:

FACILITY	DISTANCE
Local Shops (Village centre)	1.5km
Primary School	0.5km
Secondary School	5.4km
Doctors Surgery	1.4km
Railway Station	1.2km
Main shops (Leicester)	14km
Bus Stop (hourly service)	300m
Bus Stop (half hourly service)	500m

The Institute of Highways and Transportation Document "Guidelines for providing for Journeys on Foot" suggests that 800m is a reasonable walking and cycling distance to reach local facilities.

It is evident that the distance between the site and the nearest facilities exceed the guidance distance. The scheme will have access to public transport into the village with regular services that are proposed to be extended closer to the site in the near future. It is acknowledged, however, that there are shortcomings in the location of the site with regard to the uphill walk and cycling access from the village together with, the longer distance than that recommended to the range of facilities of a range of local facilities.

There would therefore be a limit to the accessibility of the site to a range of sustainable transport options, although recent appeal decisions suggest that Inspectors have varying views about distances being un-sustainable or conflict with the aims of Policy CS17 and much will depend on the specific circumstances and the planning balance of each case.

It is acknowledged that 2 other housing applications have been approved along Seagrave Road recently (P/10/1660/2 and P/12/2235/2) 1 of which is further away from the village centre. It must be noted that these two applications were approved before the Charnwood Local Plan Core Strategy was adopted and when the Borough was not able to demonstrate a five year supply. These different circumstances meant that in those instances more weight was given to the need for housing over the locational considerations for housing.

Environmental

Finally, there are three elements to the environmental dimension of sustainable development: the natural, built and historic environment.

With regard to the natural environment, Policy CS1 seeks to ensure meeting planning housing delivery through the effective use of land. The priority is to bring forward land located within the existing built up area. However, greenfield sites may be appropriate where there is a recognised housing need and insufficient capacity within the built up area to meet that need. The proposed development, does not meet any particular housing

need and there is no evidence to confirm that there is not sufficient capacity within the existing built up area to meet any future needs.

There would clearly be some urbanising impact on existing views both out of and towards the current urban area, as noted elsewhere in this report. It is, however, acknowledged that this would be very localised, and the site is viewed from important locations against a backdrop of the existing built-up area. As a result, it is considered any impact on the character and visual amenity of the local area would not be high.

With regard to the built environment, the site abuts the existing fringe of residential development on the Seagrave Road frontage. There would clearly be some urbanising impact on existing views both out of and towards the current urban area. It is, however, acknowledged that this would be very localised, and the site is viewed against a backdrop of the existing built-up area. As a result, it is considered any impact on the character and visual amenity of the local area would only be moderate.

With regard to the historic environment there is a no impact on any designated heritage asset in the vicinity of the site and there would be is no impact on any archaeology.

Given the above context, it is considered that there are negative attributes that have been identified which lead to the conclusion that the development proposed would not be sustainable when assessed against the three roles of sustainable development as set out in the NPPF and Policy CS25 of the Local Plan Core Strategy.

Given the above context, it is considered that there are negative attributes that have been identified which lead to the conclusion that the development proposed would not be sustainable when assessed against the three roles of sustainable development as set out in the NPPF and Policy CS25 of the Local Plan Core Strategy. The following, however, still need to be taken into consideration as part of the planning balance.

Impact on loss of agricultural land

The site is located in open countryside beyond the existing built up limits of the village. The site is in arable agricultural use and is classified as being Grade 3b. Grade 3b agricultural land is not the best and most versatile agricultural land, and it is therefore not considered that the application could be refused on the loss of land for farming.

Relationship to Poultry Unit

The application site is some 350 metres south of Sunrise Farm, a large scale poultry business. Concerns have been raised by the owners of this business regarding the proximity of the application site although welcome its amendment that reduces the likelihood of complaints from future residents. These needs are not to be confused with a previous housing proposal much closer to the Poultry farm. Nevertheless there remains some potential for adverse noise and odour impacts that may affect the amenities of the residents of any properties that may impact on the operation of the poultry business which is a significant local employer and an established business. In support of their objection the Poultry Farm operator has submitted supporting evidence in the form of odour assessments.

The applicants have also submitted supporting evidence (noise and odour assessments) which conclude that providing the housing is set a reasonable distance from the farm, noise and odour emissions from the farm would not have a detrimental impact on the amenities of future residents to the extent that permission could reasonably be refused on that basis.

The National Planning Policy Framework requires that the Local Planning Authority works on the assumption that pollution control regimes will operate effectively to minimise pollution. In the case of Sunrise Farm, the site operates under a permit issued by the Environment Agency under the Integrated Pollution Prevention and Control regime (IPCC). This regime should minimise odour beyond the site boundary. However, even with an effective odour management plan in place, the Environment Agency guidance recognises that there can remain some residual odour which has to be tolerated by the community.

Paragraph 109 of the Framework also requires that Local Planning Authorities consider preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air and noise pollution.

The Council's Environmental Health officers, the Council's expert advisors, have considered the reports and supporting evidence submitted not only by the applicants but also the objectors and sought to consider the likely implications of allowing housing development in proximity to the poultry farm. They have advised that the illustrative master-plan indicates a position for the housing that would give a sufficient 'buffer' against unacceptable adverse impacts. Therefore it is considered that a reason for refusal on this ground could not be supported.

Highways and the capacity of the surrounding road network

The proposed access would be a 'T' junction, situated almost opposite Windrush Close, with ghost-island markings to provide a right turn lane from Seagrave Road, visibility splays and new 2m footways, linking to existing footpaths either side of the access road.

There is a considerable drop of around 2.5m, from Seagrave Road to the application site. In order to achieve a road at a gradient acceptable to the Highway Authority, the amended plans show a winding access that would be elevated above the surrounding land on an embankment, which provides for an 'S' shaped road allowing for the change in levels, without the need to build up the dwellings or change existing ground levels.

Transport assessments and travel plans submitted by the applicant indicate that the development would not be harmful to highway safety, nor will it have an adverse effect on all but one of the nearby junctions. The Junction with Brook Street and Cossington Road is not considered within the assessment to be currently over capacity. Whilst it is acknowledged by the applicants that the nearby sites already given consent once implemented, would lead to over-capacity, their Transport Assessment projects the proposed development would add only 4 vehicles to the morning peak hour at the Brook Street approach arm and 8 vehicles in the evening peak hour. Given that this junction would be at capacity once the neighbouring consented sites have been implemented, it is argued that this proposed development would not significantly add to this capacity

problem. It is also noted that the assessment includes the planning application P/13/1889/2 which was refused. Without this development, the evening peak increase in queue would be 3 vehicles.

The Highway Authority has raised no objection to the application subject to a number of planning conditions. The Highway Authority, as the planning authority's expert advisors, consider that the technical evidence put forward by the applicant does not demonstrate that the impact of the development would result in a severe impact as referred to in paragraph 32 of the NPPF. This appears to be corroborated in the County Council's own Sileby and Barrow upon Soar Transport Study (2016). It is not intended for this development to make right existing problems. It is considered that a refusal of planning permission on highway grounds could therefore not be justified.

The Highway Authority originally requested that the applicants contribute £40,000.00 for traffic calming in Walton on the Wolds to mitigate the effect of development traffic going through the village. However this is not considered to be C.I.L compliant and the Highway Authority confirmed that in the absence of the scheme, they would not recommend refusal, and therefore the contribution could not be said to be 'reasonably related' or necessary in order to make the development acceptable.

Flooding and Drainage

Whilst the local concerns regarding flooding are noted, the applicants have submitted a flood risk assessment and drainage strategy that utilises S.U.D's drainage with swales and attenuation ponds for surface water disposal, which would restrict run-off to current agricultural rates.

The site for housing is within flood-zone 1 and only the open space area at the southern (lower) end of the site – close to the Sileby Brook, is within a flood-risk zone 3. The Environment Agency is content that no sequential test is necessary, and subject to planning conditions have no objection. Surface water drainage issues can be dealt with by planning conditions at the drainage design stage.

The agent has stated that in the absence of other parties being willing to adopt the SuDs features, this would be dealt with by a management company.

Impact on Infrastructure

Assessments have been made by relevant parties regarding the ability of the existing infrastructure to serve the development. There are identified shortfalls and as a result the following requests for new infrastructure or for funding to allow off-site improvements to existing infrastructure have been made. These requests have to be tested against the Community Infrastructure Levy (CIL) Regulations 2010.

In relation to open space, sports and recreation the provision that proposed on site is considered to be acceptable. Planning conditions are recommended to be included with any approval which would seek further details of the onsite provision. There is a shortfall in the provision of youth/adult recreation and allotments and therefore off site financial contributions have been sought.

The contribution requests are:

<i>Body Requesting</i>	<i>Amount/item</i>	<i>For</i>
<i>NHS</i>	<i>£119,749.92</i>	<i>Towards providing additional accommodation at Highgate Surgery (£51,734.40) and The Banks Surgery (£68,015.52)</i>
<i>Leicestershire Police</i>	<i>£81386</i>	<i>Staff equipment, vehicles, radio cover/capacity, database capacity, control room telephony, ANPR/CCTV deployment, mobile CCTV deployment, premises, equipment for access hub</i>
<i>Leicestershire County Council – Education</i>	<i>£566,233.67</i>	<i>To fund primary capacity improvements</i>
<i>Leicestershire County Council – Civic Amenity</i>	<i>£10,076</i>	<i>To fund capacity improvements on land adjacent to Mountsorrel Civic Amenity Site.</i>
<i>Leicestershire County Council – Libraries</i>	<i>£5,890</i>	<i>To increase lending stock at Sileby library</i>
<i>Leicestershire County Council – Highways</i>		<i>Travel packs (£52.85 per pack), bus passes (£350 per pass) and travel plan support</i>
<i>Leicestershire County Council – Highways</i>	<i>£21,732</i>	<i>Improvements to the 2 nearest bus stops (£3263 per stop) 2 Information display cases (£120 per display) Bus shelters at 2 nearest bus stops (£4908 per shelter) Contribution to equipping the nearest bus route with Real Time Information system (£5150)</i>
<i>Leicestershire County Council – Highways</i>	<i>£6,000</i>	<i>Travel plan monitoring using iTrace</i>
<i>Charnwood Borough Council open spaces</i>	<i>£205,077.33</i>	<i>Contributions are sought to address the shortfall in youth/adult recreation and allotments that would be exacerbated by this development</i>

If planning permission were granted, the contributions highlighted above could be secured by way of a Section 106 Agreement. These contributions are considered to comply with the CIL Regulations. It is considered that the proposal without these contributions would have an unacceptable impact on social infrastructure that would serve the development.

Conclusion

The central issue in this application is to consider the conflict with development plan against any other material considerations.

Ultimately there is a need to assess whether the proposal results in sustainable development. To assist in this assessment, the benefits and adverse impacts of this application proposal are considered to be the following.

Benefits	Adverse impacts
Economic Role	
Limited benefits during construction period	
New householders will add to economic growth	
Social Role	
Reasonable access to bus services	
Boosting the 5 Year Housing Land Supply including affordable housing	Limited access to services and facilities via sustainable travel options
	Not required to meet planned development needs
Environmental Role	
	Moderate negative impacts on the character of the area and visual amenity
	Not an effective use of land – greenfield intrusion in to the countryside
	Adds to minor traffic congestion within the roads around town centre junctions
	Proximity to poultry farm and the possible amenity impact that this may have on future residents and the business itself.

In relation to whether the site is sustainable, the table above sets out considerations that can be viewed as being the benefits and adverse impacts from the proposal. Whilst it is considered that there are some benefits, the adverse impacts identified are considered to be significant enough to prevent the policies of the Development Plan, and paragraph 12 of the Framework from being set aside.

In this instance, it is concluded that the proposal would be contrary to the adopted Local Plan Core strategy policies CS1, CS25 and saved Borough of Charnwood Local Plan Policies ST2, CT1 and CT2. The Core Strategy and its development strategy has been subject to its own sustainability appraisal and tested at Examination in public and so it can therefore be relied upon as the local spatial expression of sustainable development in Charnwood.

This is a greenfield site, located in the countryside and outside the built up area of an identified Service Centre, where there is no under-provision of housing and no recognised local housing need has been identified. In this instance, it is concluded that the proposal would be contrary to the adopted Local Plan Core Strategy Policy CS1, CS25 and saved policies ST/2 and CT/1 and CT2 of the Borough of Charnwood Local Plan. There is, therefore, on balance, a planning objection in relation to the adverse impacts of this proposed development and the application is recommended for refusal.

RECOMMENDATION

That the Planning Inspector be informed that the planning application would have been refused by the Borough Council for the following reason:

The general thrust of both local and national policy is to support sustainable development and of development that would promote the health and well-being of communities. Policy CS 1 of the adopted Charnwood Local plan 2011 to 2028 Core Strategy relates to the hierarchy of sustainability of settlements in the Borough as locations for new development. The application site lies outside the limits to development of Sileby, which is identified by Policy CS 1 as being in the 'Service Centre' category of its settlement hierarchy. The supporting text to the Policy confirms that there are commitments for around 3,500 homes in Services Centre's which is sufficient to the meet the levels of planned provision and therefore we only expect to see small scale windfall developments within the settlement boundaries. Greenfield locations may be appropriate where there is a recognised local housing need and insufficient capacity within built up areas to meet that need. The proposal is not small scale, within the settlement boundary and neither has a local housing need been demonstrated. As such, the proposal is considered to be contrary to Core Strategy Policies CS 1 and CS 25, which both seek to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. Furthermore it is contrary to Policies CT/1 and CT/2 of the Adopted Borough of Charnwood Local Plan 1991-2006 and no material considerations have been advanced that warrant setting aside the provisions of the Development Plan.

APPENDIX C

SUGGESTED PLANNING CONDITIONS TO PINS REF: APP/X2410/W/16/3152082 (LPA REF: P/15/0047/2)

1. *Application for approval of all reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and*

Compulsory Purchase Act 2004 and to ensure development meets the Council's land supply requirements

2. *The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority: - a. layout, b. scale, c. appearance, and d. landscaping.
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
3. *The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority: - a. layout, b. scale, c. appearance, and d. landscaping.
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
4. *The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to ensure development meets the Council's land supply requirements.*
5. *The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the following revised drawings:
a. EMS.2557_001C Site Local Plan
b. 001 Rev A05 Site Access Plan
c. received by the Local Planning Authority on 17th January 2017
REASON: To make sure that the completed development is in accordance with the approved plans.*
6. *The development shall be carried out only in accordance with the detail and specifications included in the Plan number PN34198 within on page 5 of the submitted odour report (dated 22 December 2014).
REASON: To ensure that the development is not built within the area shaded in blue as it is not considered to be suitable for residential properties*
7. *The submission of the reserved matters applications shall broadly accord with the details shown in the Design and Access Statement (December 2014) and the Revised Illustrative Masterplan EMS.2557_004K received in November 2015 including the 10m wide buffer planting area on the north eastern boundary.
REASON: In the interests of providing a high quality development in the interests of the visual and environmental and bio-diversity quality of the site and surrounding area.*
8. *No development shall take place until details of the housing mix has been submitted and agreed by the local planning authority.*

REASON: to ensure that a suitable mix of housing is provided on site that would meet the needs of the local area.

9. *No development approved by this planning permission shall take place until such time as a scheme of sound insulation has been submitted to, and approved in writing by, the local planning authority. The submitted scheme shall include glazing and ventilation requirements for habitable rooms on the north-eastern boundary of the site to ensure appropriate internal noise levels. Once approved the scheme shall be fully implemented.*

REASON: To protect future occupiers of the site from significant adverse impact of noise from activities at the nearby poultry farm.

10. *The development hereby permitted shall not take place until such time as a scheme to protect external private amenity spaces from noise has been submitted to, and approved in writing by, the local planning authority.*

REASON: To provide additional protection of external amenity areas from noise.