

Item No. 2

Application Reference Number P/17/2391/2

Application Type:	Full Planning Permission	Date Valid:	09/02/2018
Applicant:	Swithland Homes Limited		
Proposal:	Site for the erection of up to 23 dwellings including access and associated works. (Revised scheme - P/14/1222/2 refers)		
Location:	Land at 195 Seagrave Road Sileby LE12 7NH		
Parish:	Sileby	Ward:	Sileby
Case Officer:	Andrew Thompson	Tel No:	01509 634735

The application has been brought to Plans Committee by the Head of Planning and Regeneration due to the relationship of the application to the appeal site on Land to the East of Seagrave Road, Sileby.

Description of the site

The site currently forms part of the large garden to 195 Seagrave Road and includes an open area of paddock land to the rear of this garden which is within the same ownership.

The existing dwelling at number 195 is a large detached property which is set back from Seagrave Road behind a large Oak tree, which is protected by a Tree Protection Order, and a lawn and driveway. The rear garden to number 195 currently comprises a mature domestic garden and a tennis court. Towards the rear of the garden area are several single storey ancillary buildings which along with a domestic hedge and low gate separate the garden from the paddock land beyond.

The paddock land to the rear is generally open in nature and is surrounded by a mix of fencing and field hedges. There is new housing development to the north and west of it and a further paddock area to the south west.

The site is located outside the limits to development for Sileby but it is almost completely surrounded by a large mixed development of housing and sports facilities which has been completed under planning permission reference P/10/1660/2.

The application site is located in Flood Zone 1 and therefore is at the lowest risk of flooding.

Description of the Proposals

The application is a revised submission following a previously refused residential proposal under application reference P/14/1222/2. The application is in outline considering matters of access at this stage

Layout has been removed from the consideration of the application in agreement with the applicant to allow the opportunity for further discussion on the relationship of the layout and matters of scale and landscaping to be considered together.

The application is for 23 dwellings on the application site and proposes a new garden area for the retained existing property. Access to the dwellings would be created to the northwest of the existing property of 195 Seagrave Road. The access is on the opposite side to that previously considered in application reference P/14/1222/2. The proposals would involve the demolition of the existing single storey garage to the side of 195. The proposal also includes a new garage, driveway and gates to 195.

The proposed layout has a central access road with residential development either side. The properties on the northwestern boundary form a visual end stop to the development. The proposals also show car parking space provided either on plot frontages or side drives.

The application is supported by a Design and Access Statement which outlines that the amount of development proposed has been designed and laid out with specific regard to the site's context. It states that care has been taken to ensure that the living conditions of occupiers of neighbouring properties have been protected (no unacceptable overlooking, loss of privacy or loss of outlook) through the correct siting of the buildings, but at the same time seeking to make the most efficient use of the site in accordance with planning policy guidelines.

The applicant outlines that the benefits from the proposals should be considered as follows:

- Buildings that respond to its neighbours in scale massing and layout whilst providing high quality accommodation within easy sustainable access of the town centre.
- Enclosure with buildings that are of sufficient scale to sit comfortably in the street scene.
- A safe and secure active street frontage improving the security of neighbours surrounding the site.
- A sustainable living environment that complements the area.
- Links to existing local services and facilities.
- To create a new residential development which uses similar materials to the adjoining buildings and creates a positive contribution to the area.
- To provide additional residential units within the local environment which will contribute to the local economy.

Development Plan Policies

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

Policy CS1 - Development Strategy sets out the development strategy for the Borough. This includes a direction of growth which focuses housing development in locations around Loughborough and Shepshed with three Sustainable Urban Extensions. The 7 Service Centres and Other Settlements are the next two.

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

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

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

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

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

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

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

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

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

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

Borough of Charnwood Local Plan 1991-2006 (adopted 12th January 2004) (saved policies)

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

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

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

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

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

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

Other material considerations

The National Planning Policy Framework 2012 (NPPF)

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

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

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

Paragraph 14 states that where the development plan is absent, silent or relevant policies are out-of-date, proposals should be granted permission unless:

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

Paragraph 17 sets out the core principles of sustainable development

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

Section 4: Promoting Sustainable Transport

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

Section 6: Delivering a wide choice of high quality homes

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

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

Section 7: Requiring good design

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

Section 8. Promoting healthy communities

Paragraphs 69 and 70 – Facilitating social interaction and creating healthy, inclusive communities.

Section 10: Climate change and flooding

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

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

Section 11: Conserving and enhancing the natural environment

Paragraph 109 – Developments should promote the natural environment and safeguard protected species

Paragraph 111 – Decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value

Section 12: Conserving and enhancing the historic environment

Paragraph 128 – Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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

On decision taking the NPPF advises:

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

Paragraphs 196 – Re-emphasises the primacy of the Development Plan in decision making

Paragraphs 203-206 set out the tests for the use of planning conditions and obligations.

Planning Practice Guidance

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF

Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

Housing Supplementary Planning Document (2017)

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

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

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

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

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

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

S106 Developer Contributions Supplementary Planning Document (2007)

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

- It is necessary to make the development acceptable in planning terms
- It is directly related to the development

- It is fairly and reasonably related in scale and kind to the development

Relevant Planning History

P/10/1660/2 – Site for residential and mixed use development, including sports facilities and access. (Revised scheme - refusal P/10/0655/2 refers) - Granted 10/11/2010. The development has been completed.

P/14/1222/2 - Site for the erection of up to 21 dwellings including access and associated works. Refused 6 March 2015 for the following reason:

“The development of the private drive would be detrimental to the amenity of the occupier of Nos. 193 and 195 Seagrave Road by reason of the close proximity of the proposed access road, resulting in excessive disturbance from vehicles in terms of noise.”

Other material planning proposals – opposite the application site

Appeal Ref: APP/X2410/W/16/3152082 - Land to the east of Seagrave Road, Sileby - 195 dwellings and associated works – Dismissed on 27th March 2017. Appeal is being re-heard following the original decision being quashed in the Courts. The Inquiry is due to be concluded in June 2018.

Response of Statutory Consultees

Leicestershire County Council - Highway Authority

The County Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF.

Leicestershire County Council - Lead Local Flood Authority (LLFA)

The application documents as submitted are insufficient for the LLFA to provide a detailed response at this stage. In order to provide a detailed response, the following information is required:

- Plans of a proposed surface water drainage strategy, showing proposed sustainable drainage (SuDS) features, indicative levels and a suitable outfall location/discharge point.
- Evidence that the proposed discharge, generated by all rainfall events up to and including the 100 year return period plus climate change (40%), has been limited to the site specific greenfield runoff rates and volumes or 5l/s (whichever is higher) for all return periods.
- Demonstrate a proposed allowance for exceedance flow and associated overland flow routing.
- Evidence that due consideration has been given to the ongoing operation & maintenance of the surface water drainage strategy for the life time of the development.

Leicestershire County Council – Developer Contributions

Library Services – The site is 1.6km from Sileby Library on Cossington Road, being the nearest local library facility which would serve the development site. The library facilities contribution would be £690. It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for general stock provision e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no. SIL006.

Civic Amenity – Seek £1188 to waste services. The developer contribution would be used on project reference MOU007 at the Mountsorrel Civic Amenity Site. Project MOU007 will increase the capacity of the Civic Amenity Site at Mountsorrel by providing a new Asbestos waste container. There is one other known potential obligations secured from other approved developments, since April 2010, that affect the Mountsorrel Civic Amenity Site which may also be used to fund project MOU007.

Education Services - In order to provide the additional primary school places anticipated by the proposed development, the County Council requests a contribution for the primary school sector of £66,786.54. The contribution would be spent on improving, remodelling or enhancing existing facilities at Highgate Primary School.

Severn Trent

No objection to the proposal subject to the inclusion of a drainage condition.

West Leicestershire Clinical Commissioning Group

Seek a contribution of £14,455.20 to Highgate and Banks Surgeries as a result of the impact of the development on local surgeries.

Housing Strategy

The Applicant may struggle to secure a Registered Provider willing to acquire such a small number of affordable housing units (7 Dwellings). There are currently 21 households, over the age of 60, on the Council's Housing Waiting List for Sileby, yet only 6 x 2 bed bungalows for rent across Sileby.

Therefore, it is recommended to provide certainty of delivery of the affordable housing, that up to 7 x 2-bed bungalows are gifted to the Council to meet housing needs.

Campaign for the Protection of Rural England (CPRE)

Objects with regard to:

- Proposals are contrary to Policy CS1. It is therefore unnecessary to add unsustainable sites, to those which are part of a planned strategy, which would then provide an over-supply when the SUEs start delivering.

- The location is far removed from the central facilities of Sileby.
- Impact on highways and junctions contrary to the Sileby and Barrow Transport Study.
- There is an overwhelming need for properties that are single storey for those less able and those wishing to downsize, the proposal fails to recognise this.
- A surface water drainage strategy should be submitted to the Lead Local Flood Authority that demonstrates that the site can drain without increasing flood risk elsewhere or to the proposed development.

Sileby Parish Council

Object stating:

- As the site is for a proposed 23 dwellings, national planning policy requires that a surface water drainage strategy should be submitted to the Lead Local Flood authority that demonstrates that the site can drain without increasing flood risk elsewhere or to the proposed development.
- The Parish Council has and continues to be concerned about the cumulative impact of unplanned for development on road safety, congestion and parking within the village. The application has failed to address any of these concerns or provided any evidence of assessing the requirement for impact on the highway network.
- Consider that the Service Centre villages in general and Sileby in particular have already delivered a level of housing that is well in excess of the scale of development we were led to believe was necessary or indeed planned for through the plan-led process. This proposal, in combination with the other completions and commitments would exceed by a significant margin the planned level of development set out in the Core Strategy and would harm the sustainable development despite the fact that there is only a very modest shortfall in housing land supply. In the event of continued ad-hoc development of this type take place the Parish Council considers there will be significant harm to the credibility of the development plan system.
- The proposals are contrary to CS Policy CS1 which, as well as containing guidance for the overall level of housing to be provided in the Service centre villages, also forms an essential part of the overall strategy for the location and distribution of development.
- The LHA has not taken into consideration that the site access will be in conflict with the northbound bus stop along Seagrave Road, nor has any mention been made in relation to the on-street parking which lies between the site and the centre of Sileby.
- Believes the Highway Authority response to be incorrect as regards highways safety, against fundamental policies within the NPPF.
- Concerned that there will be a cumulative impact and hence survey work should have been carried out which LCC Highways have not requested ie a review of the site access and highway network should be carried out.

Other Responses Received

14 letters objection have been received during the course of the application. It is noted that one resident has written four times. The following issues have been raised:

- Concerns about the amount of development in the area and village
- No need for development
- Believe the Highway Authority's response to be an oversight in relation to highways safety, against fundamental policies within the NPPF and a thorough review of the site access and highway network be undertaken.
- Furthermore, the Highway Authority have not picked up that the site access will be in conflict with the northbound bus stop along Seagrave Road,
- No mention been made in relation to the on-street parking which lies between the site and the centre of Sileby.
- Impact on privacy and overlooking
- Noise and disturbance from the construction process and new development
- Impact on ecology and wildlife
- Flooding and drainage.

Consideration of the Planning Issues

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

- Principle and Housing Land Supply
- Design, layout and the character of the area
- Relationship to neighbouring properties
- Flooding and Drainage
- Traffic and highway safety.
- Ecology
- S106 contributions.

Principle and Housing Land Supply

Policy CS1 sets a development strategy and settlement hierarchy that guides residential development to the edge of Leicester and Loughborough/Shepshed before smaller places in the Borough. Sileby is categorised as one of seven service centres, which are expected to accommodate at least 3,000 dwellings during the plan period 2011 to 2028. Policy CS25 also needs to be considered in the context of the consideration of sustainable development.

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

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

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

The need to significantly boost housing supply is a material consideration that must be given weight in the planning balance. For Charnwood, Core Strategy Policy CS 1 and Local Plan Policy ST/2 are the policies for the supply of housing. Whilst these policies are out-of-date, it remains for the decision taker to assess the weight of these policies. A recent Supreme Court judgement (Suffolk Coastal District Council v Hopkins Homes Ltd & Richborough Estates Partnership LLP v Cheshire East Borough Council [2017] UKSC 36.) has clarified a number of matters in relation to the application of the presumption of sustainable development. For Charnwood, Core Strategy Policy CS 1 and Local Plan Policy ST/2 are the policies for the supply of housing. 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 degree of the shortfall and the action that is being taken to address it.

Policy CS1 defines the settlement hierarchy and the criteria for considering proposals within individual tiers of settlements. The Development Strategy set out in the Policy seeks to guide development to locations that are well connected to jobs, services and infrastructure in order to provide a sustainable pattern of development. The Core Strategy supports sustainable development which contributes towards meeting our remaining development needs, supports the Council's strategic vision, makes effective use of land and is in accordance with the policies in the Core Strategy. These matters do not all necessarily relate only to the supply of housing but also to the sustainability and suitability of differing types of settlement for new housing having regard to travel and patterns of movement and access to services and facilities.

Whilst Policy CS1 is not up-to-date, and cannot be ascribed full weight, the policy has a role in delivering a sustainable pattern of development. The site in question is outside the limits to development of Sileby and within countryside. Policy CS 1 states that, in relation to Sileby, the Local Planning Authority will respond positively to sustainable development which contributes towards meeting the Borough's development needs. As the Council is currently unable to demonstrate a five year supply of housing land, it is considered that this site would contribute towards meeting our development needs. Whilst paragraph 4.45 and 4.46 of the supporting text for Policy CS 1 states that the Council's priority is to see any new development that takes place at service centres to be within their existing built up areas, it also states that small scale windfalls in greenfield locations may be appropriate where there is a recognised local housing need. In this case the Borough's housing supply represents a housing development need.

Policy ST/2 defines the land which is considered to be within the urban area and that which is countryside. In doing so, it provides that part of the development strategy which seeks to manage patterns of development is to ensure that landscape and the countryside are protected. It is considered that, in this instance, Policy ST/2 must be

given moderate weight as it would restrict the delivery of housing adjacent to the service centre that would otherwise meet an identified housing need.

It is considered that policies CT/1 and CT/2 whilst not policies for the supply of housing, can have a constraining effect upon the supply of housing. It is considered that 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 more than moderate weight.

As such, carefully considering the comments of the Parish Council, the CPRE and residents and the cumulative level of growth associated with Sileby, there are significant differences between the sites from the approved Peashill Farm development and the ongoing appeal on the opposite side of Seagrave Road. The application site is surrounded by existing residential development and whilst outside development limits the site would not be considered to contribute as open countryside. It is also noted that the previous application was not refused on the development being outside the development limits.

Given the above assessment it is considered that the proposals would accord Policies CS1 and CS25 of the Core Strategy having regard to saved policies CT/1 and CT/2 of the Local Plan.

Design, layout and the character of the area

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core and the NPPF seeks to ensure that the development is well designed and in keeping with the character of the area. The comments of the CPRE, the Parish Council and local residents have been carefully considered.

Matters of layout, landscaping detail, scale and external appearance are not considered at this stage and therefore the height of properties and the impact on neighbouring residents is not a material consideration in the determination of this outline application..

The submitted layout is in a linear form through the application site and is similar in style to the neighbouring recent development by Miller Homes. The layout includes back gardens to existing neighbouring back gardens which would form a back-to-back residential relationship. The submission includes a variety of parking solutions in front of properties, garages and driveways which would also add interest to the development.

Generally the submitted proposals have some sympathy with the neighbouring residential development and the varied character of existing development in the area. However negotiations are taking place with regard to the layout of the scheme. As noted above, the applicant has agreed to remove the consideration of layout from the application currently being considered. This will allow the consideration of the

detailed layout to be undertaken as part of the reserved matters submissions should outline planning permission be granted.

Overall it is considered that the ongoing negotiations on the submitted layout and the formal submission of a layout through the reserved matters process should result in a detailed scheme coming forward that accords with Saved Policy EV/1 of the Local Plan and Policies CS2, CS11 and CS13 of the Core Strategy and the aims and objectives of the NPPF as a material consideration.

Relationship to neighbouring properties

Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy and the NPPF seeks to ensure that the development is well designed and do not impact on the amenities of the neighbouring residents. The previous reason for refusal has been noted specifically in this respect.

The application has been amended from the previous refusal to move the position of the access from the southern to the northern side of 195 Seagrave Road. The proposals would therefore not have any significant impact on the residential amenity of the occupiers of 190 Seagrave Road.

As stated above, matters of layout, scale and external appearance are not considered at this stage and therefore the position of windows, the height of properties and the impact on neighbouring residents is not a material consideration in the determination of this outline application.

The submitted layout would allow for back gardens to be created and the proposed housing would create an appropriate relationship to the neighbouring Miller Homes development and properties on Seagrave Road.

Overall, the proposals are respectful of the amenities of neighbours and in accordance with Saved Policy EV/1 of the Local Plan and Policy CS2 of the Core Strategy and the aims and objectives of the NPPF as a material consideration. This matter will be considered further when the detailed layout is submitted through the reserved matters process.

Flooding and Drainage

The NPPF at paragraph 103 seeks to ensure that development does not result in flooding elsewhere and exacerbate drainage issues, and promotes the use of sustainable drainage systems. It is noted that Severn Trent raise no objection to the proposals subject to a drainage condition. It is also noted that drainage and flooding issues were not raised as an issue in the consideration of the previous application.

The comments of the LLFA are noted and these comments have been referenced by local residents, the Parish Council and the CPRE in their comments.

The application site is within Flood Zone 1 and therefore is at the lowest risk of flooding and is below the threshold for the submission of a Flood Risk Assessment. The proposals are also not related to any watercourse or any features which would

suggest that flooding or drainage is a significant issue. Indeed the recent development by Miller Homes, which surrounds the application site, and its connection to the drainage network demonstrates a practical drainage solutions should be feasible.

The level of information should also be proportionate to an application submission and the NPPF tasks Local Planning Authorities, and by extension consultees to look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities and consultees should work proactively with applicants to secure developments that improve the economic, social and environmental

Having regard to the comments of the LLFA, the proposals and drainage strategies for the area need to be agreed through detailed consideration of the water and drainage network and includes legislation outside the planning regime (e.g. The Water Industry Act). It is not considered that the comments of the LLFA would be sustainable as a reason for refusal of the planning application and using appropriately worded conditions is an appropriate approach in this instance.

Overall, having considered all matters, the proposals are considered acceptable subject to the imposition of appropriate conditions and would be in accordance with the aims and objectives of National policy and guidance and would not result in flooding elsewhere..

Traffic and highway safety

The comments of the Highways Authority are noted alongside the objections of local residents, Parish Council and the CPRE with regard to the existing highway issues in Sileby.

In the determination of planning applications, the proposals need to be considered in the context of policy CS17 and CS18 of the Core Strategy and policy TR/18 of the Local Plan. Paragraph 32 of the NPPF) confirms that development should only be refused on highway grounds if the impact of the proposals are considered to be severe.

It is noted that since the submission of the application, the Highways Authority no longer consider the Sileby and Barrow upon Soar Transport Study can be a relevant consideration and have also withdrawn the 6Cs Design but continue elements of the adoption aspects of the document under the Local Highways Authority Guidance.

For an application of up to 50 dwellings, the Highway Authority does not require any specific transport assessment and the key consideration is that of safe and suitable access, as required through the NPPF.

The application proposals should not seek to resolve matters that are outside the control of the applicant and for these reasons it would be unreasonable to consider parking in the town centre as part of the determination of this application as there would be, at worst, a very limited impact from the development.

The site access provided shown in the submitted Outline Planning Proposals is considered compliant with the requirements of the Highway Guidance. The visibility splays shown (2.4m by 47m to the north and 2.4m by 54m to the south) are in excess of the minimum requirements for the road and, whilst the issue of speed has been raised by local residents and the Parish Council, the visibility splays are considered appropriate. There is no evidence that there would be a conflict with the adjacent bus stop.

As the application form indicates that no new public roads are to be provided in the site, the suitability of the internal road layout for adoption is questionable but there is no reason as to why this would be unacceptable. The applicant can consider how waste collection will be managed, particularly for dwellings which are beyond the normal carry distance of 25m, and liaise accordingly with the waste collection service.

The proposals are considered acceptable and would be in accordance with Policy EV/1 of the Local Plan, Policies CS2, CS17 and CS18 of the Core Strategy and would not be severe in terms of its impact and as such in accordance with the aims and objectives of the NPPF as a material consideration.

To conclude on highway matters, the application needs to be considered in light of the of traffic in the surrounding area and the former use of the site.

Overall, considering the comments of residents, and the comments of the Highway Authority, the proposal offers some highway betterment and the impact on the highway is not considered to be severe, taking account of Paragraph 32 of the NPPF, subject to appropriate conditions and contributions.

Ecology

Policy CS13 of the Core Strategy and the NPPF (Paragraph 109) both seek to ensure that developments do not impact on protected species.

The application site at this time is a recreational field and whilst there is some limited ecological value in the existing green features (trees and hedges) the ecological value of the application site is not considered significant. The proposals also include the potential for further landscaping and include the retention of the significant tree in the front garden of 195 Seagrave Road.

The proposals are in accordance with policy CS13 of the Core Strategy and the NPPF (Paragraph 109) both seek to ensure that developments do not impact on protected species.

S106 contributions

Core Strategy Policy CS 24 requires the impacts of new developments to be mitigated through the use of planning conditions and planning obligations secured under S106 of the Planning Act. CS3 seeks the delivery of affordable housing having regard to market conditions, economic viability and other infrastructure

requirements. Policy CS17 and CS18 seek to ensure that development mitigates the impact of the development in terms of the highway network and Policy CS24 seeks to ensure the appropriate delivery of infrastructure.

The NPPF advises that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

The following S106 contributions are sought.

Organisation/Are a Requesting Contribution	Amount	Location of Spend	CIL Assessment
Affordable Housing	30%	On site	Further discussions on the mix and layout and location of affordable housing will need to be determined through discussions on future reserved matters but in principle there is no concern that the layout could not deliver affordable housing that meets local needs. Recommendation: CIL Compliant
West Leicestershire Clinical Commissioning Group (Healthcare)	£14,455.20	Towards Healthcare enhancement at the nearest practices in order to meet the demands of the development. The Banks Surgery - In order to create additional consulting rooms the funding would be used extend the existing building either at ground floor level or into a second storey, thereby enabling administration and managerial staff to be relocated out of the	The contributions would be compliant however the wording of the s106 would need to be flexible to ensure the delivery of s106s to a potential practice on the Peashill Farm proposal (reference: P/17/1578/2) in case the extensions cannot be delivered within the constraints of the surgery sites. Recommendation CIL compliant

Organisation/Are a Requesting Contribution	Amount	Location of Spend	CIL Assessment
		<p>ground floor main surgery area. Along with improved storage of patient records this would also enable additional space which could be used by non-clinical staff.</p> <p>Highgate Surgery An extension is required to address further growth. This could be achieved with an extension into the car park.</p>	
Leicestershire County Council - Highways	£52.85 per pack.	<p>Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.</p>	<p>Whilst the aims and objectives of the packs are noted and considered to be in accordance with the objectives of Policy CS17 (promoting sustainable travel), it is noted that the County Council are not the only provider of travel packs and therefore concern as to the CIL compliance. The detail of precise wording should therefore be carefully considered.</p> <p>Recommendation: Concerns raised but considered CIL Compliant in this instance.</p>
	£360.00 per pass	<p>Bus Passes</p> <p>6 month bus passes, two per dwelling (2 application forms to be included in Travel</p>	<p>Whilst the aims and objectives of the packs are noted and considered to be in accordance with the objectives of Policy</p>

Organisation/Are a Requesting Contribution	Amount	Location of Spend	CIL Assessment
		<p>Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at an average of £360.00 per pass (cost to be confirmed at implementation) – NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).</p>	<p>CS17 (promoting sustainable travel), it is noted that the County Council are not the only provider of travel packs and therefore concern as to the CIL compliance are raised.</p> <p>Recommendation: Not CIL Compliant in this instance.</p>
Leicestershire County Council Library Services	£690.	<p>The site is 1.6km from Sileby Library on Cossington Road, being the nearest local library facility which would serve the development site.</p> <p>It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for general stock provision e.g. books, audio books, etc. for loan and reference use to account for additional use from the proposed</p>	<p>The library is a short distance from the application site and would be relied upon by the future residents. The contribution is reasonable in scale and would be directly related to the development.</p> <p>Recommendation: CIL Compliant.</p>

Organisation/Are a Requesting Contribution	Amount	Location of Spend	CIL Assessment
		development. It will be placed under project no. SIL006.	
Leicestershire County Council Education Services	£66,786.54	<p>In order to provide the additional primary school places anticipated by the proposed development, the County Council requests a contribution for the primary school sector. This is calculated the number of deficit places created by the development (5.52) multiplied by the DFE cost multiplier in the table above (£12,099.01) which equals £66,786.54.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Highgate Primary School or any other school within the locality of the development.</p>	<p>The development would have an impact on the school places available. The proposals would be related to the development and reasonable in scale and has been fully justified.</p> <p>Recommendation: CIL Compliant.</p>
Leicestershire County Council Civic Amenity	£5,508	The developer contribution would be used on project reference MOU007 at the Mountsorrel Civic Amenity Site. Project MOU007 will increase	There is no specific element associated with the development that would call for Asbestos waste capacity to be created from the development. The

Organisation/Are a Requesting Contribution	Amount	Location of Spend	CIL Assessment
		the capacity of the Civic Amenity Site at Mountsorrel by providing a new Asbestos waste container. There are one other known or potential obligations from other approved developments, since April 2010, that affect the Mountsorrel Civic Amenity Site which may also be used to fund project MOU007.	proposed contribution would therefore not be related to the development and reasonable in scale. Recommendation: Not CIL Compliant.

The terms of the s106 have been sent to the applicant and discussions have commenced on the delivery of a legal agreement to secure the above however this is dependent on the decision of Plans Committee as to the CIL compliance.

The Planning Balance

The proposals are for the outline approval of 23 dwellings on the site at 195 Seagrave Road and considers layout and access as material considerations.

In the absence of a five year housing land supply Paragraph 14 of the NPPF advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

As part of the application process it is necessary to consider the benefits arising from the proposals and the weight to which they are considered. These then need to be balanced against any identified harm.

Of significant weight in favour of the application is the contribution towards the Council's Housing Land Supply, the effective use of previously developed site within development limits, delivery of market and affordable housing and s106 contributions.

The delivery of ecological enhancements, new homes bonus benefits and other improvements to local environment are given minor weight in the positive balance.

In terms of identified harm , there is the level of growth in Service Centres and Sibley itself that has already delivered significant housing numbers through planning permissions above the base levels envisaged within the Core Strategy Policy CS1

and the impact this has on the Development Strategy for planned housing growth in the Borough. The provision of affordable housing is also noted. .

Conclusion

It is considered therefore that there are no significant impacts arising from the development that cannot be appropriately mitigated. The comments of residents, the CPRE and the Parish Council have been carefully considered. Having carefully considered all consultation responses and the views of neighbouring and nearby residents and the Parish Council, it is considered that the proposals, subject to ongoing consideration of the detailed layout through the reserved matters process, are in accordance with the Development Plan. In particular relevant policies of the Development Plan including policies CS1, CS2, CS3, CS11, CS12, CS13, CS14, CS15, CS17, CS18, CS24 and CS25 of the Core Strategy and saved policies ST/2, CT/1, CT/2, EV/1 and TR/18 of the Local Plan and the associated guidance in Supplementary Planning Documents and material considerations including and the aims and objectives of the National Planning Policy Framework.

RECOMMENDATION A

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

Charnwood Borough Council

- Affordable Housing – up to 7 units – 30% of the total development

Leicestershire County Council

- Library Facilities Contribution - £690 to Sileby Library
- Education Services – £66,786.54 to Sileby Redlands Community Primary School

External bodies

- Healthcare Contribution - £14,455.20 towards the Banks and Highgate Surgeries in the first instance with flexibility to ensure the delivery of s106s to a potential practice on the Peashill Farm proposal (reference: P/17/1578/2) in case the extensions cannot be delivered within the constraints of the existing surgery sites.

RECOMMENDATION B

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

1. The final application for approval of the remaining Reserved Matters shall be made within 3 years of the date of this decision. The Reserved Matters approval

must be begun not later than 2 years from the date of approval of the final Reserved Matters approval.

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

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

- a) The layout of the building(s);
- b) The scale of the building(s);
- c) The external appearance of the building(s)
- d) The landscaping of the site

REASON: To define the permission

3. The Reserved Matters submission shall be in accordance with the principles set out on the indicative plan on drawing number . The Reserved Matters shall include the following principles:

- A development of up to 23 dwellings in a housing mix to be agreed.
- Details of affordable housing provision
- Back gardens and fencing detail
- Landscaping detail
- Details of new gates and garage to 195 Seagrave Road

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

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

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

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

REASON: To ensure the satisfactory appearance of the development in accordance with Core Strategy Policies CS2.

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

REASON: To protect trees on the site, and to ensure the satisfactory appearance of the finished development in accordance with Core Strategy Policies CS2.

6. No development shall commence on the site (including any demolition and clearance works) until such time as a construction traffic management plan, including as a minimum, details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

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

7. Prior to the commencement of development drainage plans for the disposal of foul sewage for the phase have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON: To ensure that development is appropriately drained and managed in relation to sewage in accordance with Core Strategy Policies CS2.

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

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

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

9. No part of the development shall be occupied until such time as the site access arrangements shown on David Granger drawing number 13.2904.08 has been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

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

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

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

REASON: In the interests of the amenity of adjacent occupiers in accordance with Core Strategy Policies CS2.

12. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

13. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Seagrave Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

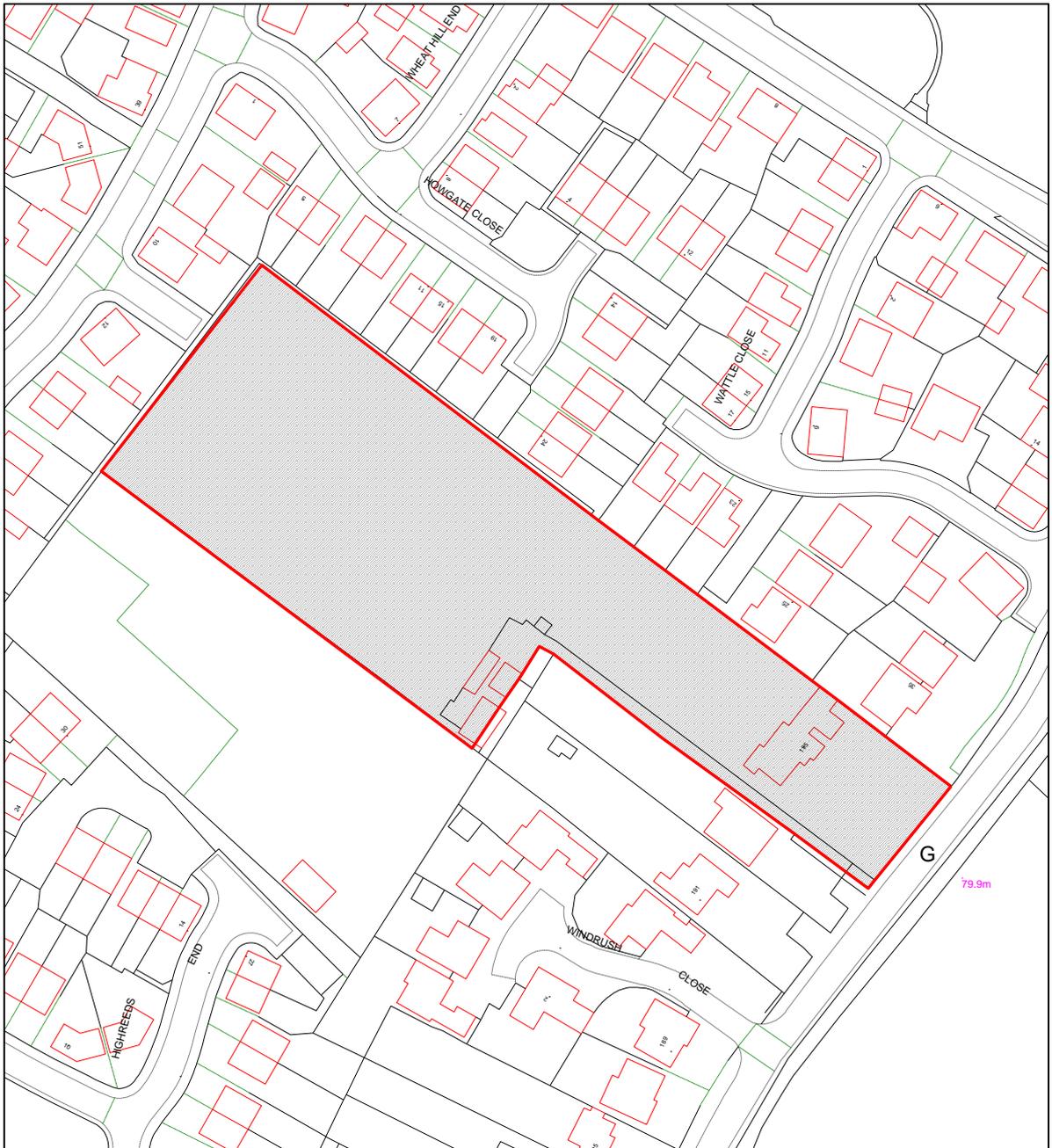
REASON: In the interests of highway and pedestrian safety in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

NOTES FOR APPLICANT:

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information. <http://www.charnwood.gov.uk/pages/planapps>

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

1. The decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. **DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT** – Saved Policies ST/2, CT/1, CT/2, EV/1, EV/29 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and policies CS1, CS2, CS3, CS11, CS12, CS13, CS15, CS16, CS17, CS18, CS24 and CS25 of the Charnwood Local Plan 2011 to 2028 have been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies and Core Strategies and there are no other material considerations which are of significant weight in reaching a decision on this application.



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