

Item No. 3

Application Reference Number P/16/1359/2

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|--------------------------|---|--------------------|--------------|
| Application Type: | Full Planning Permission | Date Valid: | 11/07/2016 |
| Applicant: | Persimmon Homes North Midlands | | |
| Proposal: | Erection of 108 dwellings with access served off Cemetery Road. | | |
| Location: | Former Waste Site Cemetery Road Sileby | | |
| 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. The application had originally been approved through the scheme of officer delegation but during the course of completing the S106 Agreement the applicant has raised viability issues that lowered the level of affordable housing proposed when assessed against relevant planning policies and guidance. The application is therefore brought to Plans Committee to consider the application.

Description of the site

The application site is the former County Council waste site opposite the Cemetery. The site is approximately 4.8ha in size. Site levels in the area slope upwards along Cemetery Road from Ratcliffe Road which is primarily residential and Victorian terraced houses. Avenue Road and Kendall Road which also adjoin the site contain later properties which are mainly two-storey and semi-detached, interspersed with detached properties.

The site contains a level area of hardstanding and waste buildings. This context, together with the former uses, means that the application site is considered previously developed land.

The proposed housing element of application site is within the Development Limits as defined on the Local Plan Proposals Map. The open space is located outside Development Limits.

Description of the Proposals

The application seeks full planning permission for up to 108 units with associated public open space (POS), access from Cemetery Road and the associated development including site clearance, remediation and works including the creating of landscaped areas, highway and access roads, drive and gardens.

The proposed development includes a mix of 2 and 2.5 storey houses and flats. The proposals include the provision of affordable housing. The proposed housing schedule is below:

| House Type | Affordable | Market | Overall |
|------------------|------------|--------|---------|
| 1 bedroom flats | - | - | 4 |
| 2 bedroom houses | 10 | 20 | 26 |
| 3 bedroom houses | - | 64 | 64 |
| 4 bedroom houses | - | 8 | 8 |
| 5 bedroom houses | - | 6 | 6 |
| Total | 10 | 98 | 108 |

The application is supported by the following submissions:

- Design and Access Statement and Addendum
- Planning Statement
- Contamination and Remediation Strategies
- Ecological Assessments and Surveys
- Flood Risk Assessment
- Archaeological Assessment
- Transport Assessment and Travel Plan
- Road Safety Audit
- Landscape and Visual Assessment
- Tree survey

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 levels in the settlement hierarchy.

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 CS14 – Heritage sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

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 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 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 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 and 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.

Paragraph 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.

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

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

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

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

Environmental Impact Assessment Regulations (2017)

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

S106 Developer Contributions Supplementary Planning Document (2007)

This supplementary planning document (SPD) sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. However, recent appeal decisions have confirmed that Inspectors will not support obligations (even if agreed by the appellant) unless the planning authority can demonstrate that they are specifically related to the proposed development. Regulation 122 of the CIL Regulations introduced on 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

In the late 19th century a brick works (Phoenix Works) was established in the north-eastern corner of the site. The entire area was then quarried for clay for brick making over the next 60-70 years. The brickworks were out of use by the 1950s and the buildings were replaced by a Council Depot and refuse incinerator. The clay pits themselves were then used as a refuse tip. This practice continued up until very recently. The site has been filled in with soil and partially landscaped and some natural regeneration in the form of grasses and brambles has taken place in some areas.

Other relevant planning applications and appeals

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 conclude in June 2018.

P/17/1578/2 – Land at Peashill Farm – outline application 170 dwellings – Granted 27th January 2018.

Response of Statutory Consultees

Leicestershire County Council - Highways 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 proposed development will be acceptable if planning conditions are attached to any permission granted

Leicestershire County Council – Developer Contributions

Library Services - £3,200 towards Sileby Library which is 0.5km from the site.

Education – Primary School contribution - £301,991.29 to Sileby Redlands Community Primary School only.

Civic Amenity - £5,508 towards Mountsorrel Waste Site to provide capacity to deal with additional waste.

Environmental Health

Whilst it is considered that the site is favourable for residential development, due to the previous use as a former landfill/waste transfer site the applicant will need to undertake an investigation to assess ground contamination of the site. This survey shall be undertaken by competent person(s) and submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The physical site investigation shall include an assessment to identify the extent, scale and type of any contamination and where necessary an appraisal of remedial options and proposal of the preferred option(s) to avoid risk to the occupiers/buildings/environment when the site is developed.

If contamination is identified a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be prepared and be submitted for approval by the Local Planning Authority.

Any approved remediation scheme shall be implemented prior to the commencement of the development or as otherwise prescribed in the approved implementation programme.

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

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

In addition a scheme to investigate and where necessary deal with landfill gas shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented and a completion statement provided to the satisfaction of The Local Planning Authority.

Construction/Demolition - The site is situated in close proximity to existing residential premises and there is therefore the potential for noise and dust nuisance to local residents from development of the site. All demolition/construction work shall be carried out in such a manner as to minimise the risk of dust or noise nuisance. All work shall follow recognised good practice such as those detailed in BS 5228 "Noise control on construction and open sites", the BRE report "Control of Dust from Construction and Demolition Activities". In addition the applicant shall be made aware of the notes to minimise the potential nuisance from construction sites.

It is also recommended that the applicant submit for approval a Construction Method Statement to include measures to control the emission of dust and noise from the site. There shall be no burning of waste on the site. There shall be no audible demolition/construction noise beyond the site boundary before 07.30 or after 18.00

hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Bank Holidays.

Environment Agency

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted planning conditions are imposed.

Severn Trent

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

West Leicestershire Clinical Commissioning Group

Seeks £59,342.40 towards Healthcare enhancement at the Banks Surgery and Highgate Surgery

Sport England

The proposed development is not considered to fall either within its statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which Sport England would wish to comment, therefore Sport England has not provided a detailed response.

Housing Strategy Manager

Having regard to the revised provision of affordable housing which has been proposed as a result of the viability exercise, the provision of 10 units is noted and these being 2-bed properties would be the most appropriate in terms of the housing needs.

Open Space and Recreation Team

In summary, proposals meet or exceed most of Charnwood Borough Council's adopted policy standards for Open Space provision within new developments on-site. However, provision for outdoor sport, allotments, and indoor sport are subject to the provision or enhancement of existing facilities off-site that meet the needs of the new development and agreement of a financial contribution towards the cost of this provision.

To ensure the long-term sustainability of proposals the arrangements for the future maintenance of on-site open space provision, including SUDS, should be agreed prior to development along with any associated financial maintenance contribution.

Campaign for the Protection of Rural England (CPRE)

Objects:

- Traffic and growth of the village is unsustainable.
- Proposals should include bungalows.

- A better design would have inserted a green space within the development to give more open aspects.
- Landscaping around the proposed area will prevent views from the built development to the Children's Play Area.
- Why are there what appears to be some three storey properties shown.

Sileby Parish Council

Objection – Sileby as a Service Centre cannot support this application due to the lack of infrastructure and already congested roads through the village. This application goes against the Core Strategy as Sileby has already had their full allocation of new housing. Also, this application is not addressing the needs of the village as there is a shortage of bungalows within Sileby.

Other Comments Received

19 letters have been received (it is noted that 6 of these were letters from the same address and others have written more than once):

- Amount of development in the area and village
- No need for development – quotas already met
- The site is returning to nature and should continue to be so
- Ecological value of the site will be lost
- Lack of services and existing services at capacity.
- Ground contamination and former use
- Traffic impacts and highway safety
- Drainage and impacts on flooding in the village.

Consideration of the Planning Issues

This application is for full planning permission and the key considerations are:

- Principle and Housing Land Supply
- Local Housing needs
- Design, layout and the character of the area
- Relationship to neighbouring properties
- Contamination from previous uses
- Flooding and Drainage
- Traffic and highway safety.
- Ecology
- Heritage
- 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.

A key difference between this application site and many of the other major application sites (e.g. Seagrave Road (at appeal), Peashill Farm (approved under P/17/1578/2) that have been considered for residential development at Sileby in recent times is that the site proposed for built development is previously developed land and within the Development Limits of the village. As such, there is clear, in principle, policy support in the NPPF and Core Strategy for bringing the site forward for redevelopment. The proposals outside the Development limits would be open space and therefore would be in accordance with the aims and objectives of keeping this land open and in keeping with the character of the countryside.

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 partly within the development limits (and this is the element where built development is proposed) and partly outside the limits to development of Sileby and within countryside. Policy CS 1 states that, in relation to Sileby, the Local Planning Authority will respond positively to sustainable development which contributes towards meeting the Borough's development needs. As the Council is currently unable to demonstrate a five year supply of housing land, it is considered that this site would contribute towards meeting our development needs. Whilst paragraph 4.45 and 4.46 of the supporting text for Policy CS 1 states that the Council's priority is to see any new development that takes place at service centres to be within their existing built up areas, it also states that small scale windfalls in greenfield locations may be appropriate where there is a recognised local housing need.

Policy ST/2 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.

Alternative uses are suggested by the local community but no proposal has been put forward and the application proposals have to be considered on their planning merits. The proposals are located in a predominantly residential area and have an established industrial/employment use. The application site is also located out of any town centre and therefore would not be appropriate in planning policy terms for retail, offices or other uses without specific justification.

Community uses such as a health centres and schools have also been raised as alternative options for development by local residents and have been considered. Whether such uses would be viable or suitable is questionable, given the contamination of the site, and there is no policy requirement for such consideration in the case of former commercial sites. As stated above, the application proposals should be considered on their own planning merits.

Continuation of the former use (e.g. large scale employment) would also have potential noise and relationship issues with neighbouring residential uses and bringing back large movements of HGVs on a residential street would also be

undesirable. As such considering the options for available uses and the existing site, the proposals for residential use would be an appropriate re-use of the site.

Having carefully considered the comments of the Parish Council and residents, the Seagrave Road appeal and the cumulative level of growth associated with Sileby, there are significant differences between this application and other applications in that this site comprises previously developed land and the proposed housing is within defined Development Limits .

Given the above assessment, it is considered that the proposals would accord with policies CS1 and CS25 of the Core Strategy.

Local Housing Needs

The concerns of the Parish and local residents are noted and carefully considered. As part of the policy assessment it is important to consider the proposed housing mix and how this compares to the evidence base of the Core Strategy in relation to Policy CS3. The evidence base comprises Strategic Housing Market Assessment 2014 (SHMA) and data now contained in the Housing and Economic Development Needs Assessment 2017 (HEDNA). The HEDNA and proposed development mix is set out as follows:

| Bedrooms | HEDNA Affordable | Proposed Affordable (% of 10 units) | HEDNA Market | Proposed Market (% of 98 units) |
|----------|------------------|-------------------------------------|--------------|---------------------------------|
| 1 | 40-45% | | 0-10% | 4% (4) |
| 2 | 20-25% | 100% (10) | 25-35% | 15% (16) |
| 3 | 25-30% | | 45-55% | 65% (64) |
| 4+ | 5-10% | | 10-20% | 14% (14) |

In relation to affordable housing, the modelled affordable housing need indicates a requirement for a large number of one bedroom units. However, detailed analysis of the Council's housing register and turnover of stock indicates that a large proportion of this need is met through churn (existing properties being re-let), and therefore a greater proportion of two and three bedroom properties is considered most appropriate, although the development does include a single block of 1-bed flats. Given the location of the site a larger number of flats would also be difficult integrate well into the existing urban form in the area and would raise the density to a level that could compromise the overall character of the proposed development.

As can be seen from the above, the proposed housing mix meets many of the requirements of the policy and, taking into account issues such as the character of the area, it is considered that the mix proposed is appropriate level and provides flexibility in the housetypes. The affordable housing is well integrated into the development and it is not possible to easily distinguish between the design of the market and affordable housetypes and the two and three bedroom properties. Larger four and five bedroom properties do not dominate the proposals. The provision of

affordable housing has been agreed with Housing Officers to agree the most appropriate and most in need.

Whilst there is a need for older person accommodation, there is no formal requirement within policy or a proportion identified within the evidence base that suggests the basis for provision. Ensuring that the housetypes are adaptable and flexible are the key requirements. It is not considered that there would be no sustainable reason to refuse the application on this basis.

The housing mix is therefore considered acceptable in the context of policies CS1, CS2, CS3 of the Core Strategy and the Council's evidence base.

Design, layout and the character of the area

Policy contained in the Development Plan and the NPPF seeks to ensure that the development is well designed and in keeping with the character of the area.

The proposals are a traditional approach to design, comprising a mix of 1, 2, 3, 4 and 5 bedroom properties and would be 2 and 2.5 storeys in height. The 2.5 storey properties are the Lumley, Leicester and Souter housetype, which are all three bedroom properties.

The loss of the former industrial uses and buildings is a planning benefit and remediation of the site would be another substantive benefit of the proposals.

The proposals are in keeping with the character of the area and would enhance areas through the provision of landscaping and open space. There are twenty-three, 2.5 storey properties in the overall layout to form an appropriate design response on the site entrance; key junctions; end vistas; and fronting the open space. There are no 2.5 storey properties proposed next to Avenue Road. The traditional brick, tile and render approach is considered in keeping with the character of the area and the materials proposed are therefore considered acceptable.

Whilst noting the comments of the CPRE, the proposals are designed for the site circumstances and characteristics. The proposals provide an appropriate level of green space and further integrate this within the development. In many ways the proposed development would also present an attractive outlook to the cemetery and include landscaping throughout the development. The open space is located to form a transition from the urban edge into the countryside and links are shown to create opportunity for pedestrians to use the play areas with good levels of surveillance.

Overall the proposals would be in accordance 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

Policies of the Development Plan and the NPPF seek to ensure that the development is well designed and does not impact on the amenities of neighbouring residents.

The proposals include a significant element of open space, landscaping and green infrastructure to the northern boundary and on the southern part of the site. In addition the proposals relate well to existing properties on the western boundary, with back-to-back relationships which would meet the council guidance set out in Leading in Design SPD. To the east is the cemetery.

The closest physical relationship is formed by plots 66 and 71 proposed in the south west corner of the proposed development area. The nearest existing property is at 16 Phoenix Drive. The area adjacent to plots 66 and 71 is a communal parking court and therefore the impact on neighbouring amenity is considered acceptable.

Overall, the proposals have due regard to maintaining appropriate levels of amenity for neighbours and are 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.

Contamination from previous uses

A local resident has raised a concern that contamination of the site could impact on the delivery of the proposals. The comments of the Environment Agency and Environmental Health Officers are noted. The application is supported by a Contamination Assessment and Remediation Strategy.

Paragraph 123 of the NPPF seeks to ensure that pollution is adequately dealt with. In dealing with previously developed land it is commonplace to set out, as part of a planning application, an overview and assessment of known contamination. The strategy would then include intrusive investigation as part of the construction and site clearance process with topsoil and other mitigation measures (e.g. membranes or clay caps) being implemented to ensure that gardens and the quality of the sub soil allows for growing of vegetables and does not impact on human health. Ground gas may also need to be vented and managed. At the end of the remediation a validation statement would need to be submitted to ensure that the work is carried out to an appropriate standard.

Overall the evidence submitted is considered to be acceptable and robust subject to appropriate planning conditions and does not appear to be preventative to the development of the site and does not raise issues that would be unusual for a previously developed site. The proposals are in accordance with the aims and objectives of the Core Strategy and the NPPF.

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.

The comments of the LLFA and Severn Trent are noted. The application includes a flood risk assessment and drainage strategy for the site which includes a significant area for sustainable drainage on the northern boundary. The proposals will also

include the removal of a significant area of impermeable hardsurfacing. Whilst there will be new areas of hardsurfacing and development this can be managed and delivered in a more appropriate manner.

The comments and concerns of residents are noted with regard to flooding elsewhere. The application incorporates a level of sustainable drainage attenuation and therefore the site deals with potential drainage and climate change issues and subject to the implementation of appropriate drainage facilities, the proposals will not result in flooding elsewhere. The existing situation on the site is also noted, in terms of the level of impermeable hardsurface and the impact this has on surface water currently running off the site.

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 Policy CS 16 of the Core Strategy.

Traffic and highway safety

The comments of the Highway Authority are noted alongside the objections of local residents, Parish Council and the CPRE with regard to the existing parking provision and highway issues on Cemetery Road.

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. The NPPF (at Paragraph 32) guides 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 Highway Authority no longer consider that the Sileby and Barrow upon Soar Transport Study is a relevant consideration and have also withdrawn the 6Cs Design Guidance and that comments originally provided on the application were given in the context of the Sileby and Barrow upon Soar Transport Study.

It is noted that the Highway Authority considered that in the context of the Study, the development was considered to be acceptable.

The Highway Authority also note that notwithstanding the comments above, as outlined in the highway observations 26 September 2016:

The [Highway Authority] consulted colleagues in the Waste Management section and they advised that they could apply for the permit to bring the site back into operation. Therefore the [Highway Authority] understands that the site is still classed as 'active' so the previous level of activity could be resumed.

The Highway Authority does not consider the impact of this proposal to be severe and having regard to the established use of the site and the level and type of traffic that could be related to it. Taking the above context into account, the proposals and

the evidence submitted has been considered and is acceptable and in accordance with the NPPF and Policies CS17 and CS18 of the Core Strategy.

With regard to the site access, the submitted Transport Assessment (TA) confirms that the two existing site accesses, that served the civic amenity site, would be closed as part of the proposals. The Stage 1 Road Safety Audit highlighted that there may be a risk of head-on collisions for vehicles exiting the site due to the vehicles parked on the highway. This risk is not new as it would have been a possibility based on the previous trip generation.

Based on the type of vehicle visiting the site previously, it is expected the proposed development will generate fewer larger vehicle trips. The proposals would therefore reduce the number of larger vehicles that may have to use the other side of the carriageway and come into possible conflict with oncoming traffic.

There is no scope to move the site access due to ownership constraints. A revised site access drawing reference: A096988 002 Rev A was submitted. However it does not incorporate on-site parking for existing residents whose current parking could be displaced as a result of the new access.

However paragraph 10.7.1 of Manual for Streets 2 states that “*Ideally defined parking bays should be provided outside the visibility splay*”. Given the low traffic volumes and speeds on this section of Cemetery Road, it is not considered reasonable for the Highway Authority to advise refusal of the application based on the advice provided in Manual for Streets 2.

Overall the Highway Authority considers the site access is safe and suitable to serve the proposed development.

With regard to parking, whilst indiscriminate parking and on-street parking on Cemetery Road is noted, the County Council as Highway Authority have the powers to manage the approach to parking through Traffic Regulation Orders and Highways Act legislation. The proposals provide adequate parking on the site for the proposed level of development and therefore the proposals would not exacerbate existing problems and it would be unreasonable to seek to resolve existing parking issues elsewhere. The proposals facilitate cycle and pedestrian movement as a priority in the development and given the location it is possible for alternative transport choices other than the private car to be made.

Guidance contained in Manual for Streets 2 (MfS2) is intended to help create development layouts that provide for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Appropriate design elements should:

- provide road layouts which meet the needs of all users and restrain vehicle dominance;
- create an environment that is safe for all road users and in which people are
- encourage walking, cycling and use of public transport and feeling safe; and
- help create quality developments in which to live, work and play.

National policy is that residential development layouts recognise that roads have a wider role to play in creating a sense of place and community as opposed to simply having a functional transport role.

In this respect the proposed layout reflects a design-led approach to highway matters. The use of alternative surface treatments and shared surfaces are considered acceptable. The comments of the Highways Authority are noted but would result in more dominance being given to the highway and unnecessary widening of the carriageway which in turn would reduce the design quality of the development. The adoption through s38 of the Highways Act should follow the flexible approach in national guidance.

The proposals are considered acceptable and would be in accordance with Policy EV/1 and TR/18 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. In this context, the site's previous use as an unrestricted civic amenity site and the level of associated HGV movements could be significant and also have a significant impact on the highway network.

The proposed change to residential development will result in significantly fewer larger vehicles visiting the site and a possible reduction in the number of daily trips than the current use of the site would provide for. The removal of HGVs would have a potential benefit to the operation of the highway and also be a betterment in terms of residential amenity.

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 severe in accordance with 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 proposals are supported by appropriate ecological assessment and include significant areas of green infrastructure and mitigation and potential planting which is to be detailed and does not form part of the submission. Conditions are needed to ensure that planting species, bird and bat boxes and an appropriate lighting strategy are implemented but the proposals are considered to be acceptable.

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

Heritage

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

In this instance, the identified heritage considerations relate to the setting and wider views of the cemetery and the cemetery building which would be considered a non-designated heritage asset. The impact on archaeological assets should also be considered. The proposals should be considered on the merits of the scheme whilst having regard to the material planning circumstances of this site, including the planning history.

With regard to archaeology, an Archaeological Desk Based Assessment was prepared by University of Leicester Archaeological Services. It summarises that:

"This document is an archaeological desk-based assessment for land at Cemetery Road, Sileby, Leicestershire (SK 60788 14965). The assessment was commissioned by Persimmon Homes Ltd from University of Leicester Archaeological Services (ULAS) in advance of the proposed development of the site for new housing.

The site is currently contains a disused waste incinerator and Council Depot with an associated landfill site. Previously the land had been used for clay extraction and brick making.

The site lies outside the medieval historic core of the town of Sileby and outside the Conservation Area. Prior to enclosure in 1760 the land lay within the South Field open fields in an area called Pease Hill. After enclosure much of the land was given over to orchards, before becoming brickworks during the late 19th century until the 1950s. There are a number of known archaeological sites within the vicinity of the site. However, given that the land here has been stripped of its upper soils in order to extract the natural clays below, it is likely that any archaeological remains that may have been extant on the site have been destroyed. Therefore, there is very low potential for archaeological remains of any period to be encountered during any development on the site."

Taking the above into account, it is considered that there are no archaeological features that would be harmed by the proposed development.

With regard to built heritage, there are no listed buildings in the vicinity of the site and the proposals are outside the Conservation Area and do not impact on the heritage asset. The terraces of Cemetery Road have a group and townscape value but overall are not considered a non-designated heritage asset. The current buildings on the site are not considered to be of architectural merit or relate to industrial heritage as they are modern and relatively bland in nature. There would be no impact on the nearby cemetery building which would be a non-designated

heritage asset and possible improvement to the setting having regard to the loss of the former waste building.

Setting this in context against the benefits of bringing the site forward and the redevelopment of the site and carrying out the assessment as required by the Act and the NPPF, the proposals are acceptable in heritage terms and in accordance with policy CS14 of the Core Strategy and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) and the public benefits would outweigh any limited harm to the non-designated heritage assets.

S106 contributions and Viability

Core Strategy Policy CS24 seeks to secure appropriate levels of infrastructure from new development sites and Policy CS3 seeks the delivery of affordable housing having regard to market conditions, economic viability and other infrastructure requirements. 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.

During the process of negotiating the S106 the issue of viability was highlighted as a preventative measure in taking the development forward.

The applicant has submitted a viability assessment and has requested that a reduced level of affordable housing be agreed. This was based on the abnormal costs of bringing the demolition, the contamination and remediation work required, and the larger than normal areas of open space.

The assessment has been submitted to the District Valuer's Service for an independent assessment of the costs, values and the capability of the development to deliver affordable housing as part of the development.

Having assessed and carried out sensitivity analysis of the development proposed, the District Valuers Service (DVS) assessment allows for a reasonable development profit (including 15%, 17.5% and 20% of the Gross Development Value).

As a result of taking a lower level of profit than normally accepted and with alterations to the trigger points, the level of affordable housing is agreed at 10 units (9.25% of the total housing proposed) and the contributions are also capable of being delivered although the trigger point would be later in the development to maximise the viability and to prevent the unnecessary stagnation of the site.

In summary the following S106 contributions are sought.

| Organisation/ Area Requesting Contribution | Amount | Location of Spend | CIL Assessment |
|---|---|--|---|
| <i>Affordable Housing</i> | 10 units – All 2-bedroom houses. | On site | The provision and clustering is acceptable by Housing Officers and in accordance with the requirements of Policy CS3 and are considered to be CIL compliant. Reductions have been considered by Housing Officers and the provision of 10 units in the mix detailed are considered to be the most appropriate provision. Recommendation: CIL Compliant |
| Charnwood BC Open Space | On Site provision of: Parks, Natural Open Space, Amenity Green Space, Facilities For Children and Facilities For Young People to meet the needs of the future residents in line with the Council's Open Space Strategy and Core Strategy Policy CS15. | | The scheme meets and exceeds the standards in many cases with the on-site provision and therefore subject to a condition to deliver the precise detail of the equipment. Contributions are not considered necessary. Any cost of maintenance should form part of the S106 if transferred to a public body to manage. Recommendation: CIL Compliant |
| | £149,776.36 | Outdoor Sports Facilities To create the equivalent of 0.67ha of space or enhancements to existing facilities to meet the needs of the future residents in line with the Council's Open Space | There is currently a shortfall of outdoor sports provision to meet the needs of current and future residents of Sileby. An off-site contribution is, therefore sought for the creation |

| Organisation/ Area Requesting Contribution | Amount | Location of Spend | CIL Assessment |
|---|------------|---|--|
| | | Strategy and Core Strategy Policy CS15. | of new pitches/outdoor sports provision and/or increasing the capacity of existing outdoor sports provision and/or towards the cost of providing All weather pitch provision within the locality. Recommendation CIL compliant |
| | £12,318.73 | Allotments To create the equivalent of 0.09ha of space or enhancements to existing facilities to meet the needs of the future residents in line with the Council's Open Space Strategy and Core Strategy Policy CS15. | The contribution would be delivered to improve the allotments opposite the application site and to provide appropriate facilities. Recommendation CIL compliant |
| West Leicestershire Clinical Commissioning Group (Healthcare) | £59,342.40 | 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 ground floor main surgery area. Along with improved storage of patient records this | 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/ Area Requesting Contribution | Amount | Location of Spend | CIL Assessment |
|---|------------------|--|---|
| | | <p>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. | 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>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 applicant however has agreed to the inclusion of the Travel Packs as part of the s106 Agreement. 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</p> | Whilst the aims and objectives of the packs are noted and considered to be in |

| Organisation/ Area Requesting Contribution | Amount | Location of Spend | CIL Assessment |
|---|--------|--|--|
| | | <p>application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. These can be supplied through LCC at 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>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.</p> <p>Recommendation: Concerns raised but considered CIL Compliant in this instance.</p> |
| | £6,000 | <p>Sustainable Travel “STARS” Monitoring Fee</p> <p>To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.</p> | <p>Having regard to caselaw in relation to monitoring fees (in particular Oxfordshire County Council v SSCLG [2015] EWHC 186) and the level of contribution sought in relation to the physical improvements, the level of monitoring fee is considered to be based on a standardised fee. Therefore to seek the contribution would raise some concerns with regard to this being CIL compliant. The applicant however has agreed to the inclusion of this within s106 Agreement.</p> |

| Organisation/ Area Requesting Contribution | Amount | Location of Spend | CIL Assessment |
|---|-------------|--|--|
| | | | <p>Recommendation: Concerns raised but considered CIL Compliant in this instance.</p> |
| Leicestershire County Council Library Services | £3,200 | <p>The nearest library is Sileby library which is 0.5km from the site, being the nearest local library facility which would serve the development site. The proposed development at Cemetery Road, Sileby is likely to generate an additional 153 plus users and would require an additional 368 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.</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> |
| Leicestershire County Council Education Services | £301,991.29 | <p>Sileby Redlands Community Primary School</p> <p>Based on the number of deficit places created by the development (24.96) multiplied by the DFE cost multiplier (£12,099.01) which equals the amount sought.</p> <p>This contribution would be used to improve, remodel or enhance existing facilities at Sileby Redlands</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> |

| Organisation/ Area Requesting Contribution | Amount | Location of Spend | CIL Assessment |
|---|--------|--|--|
| | | Community Primary School. The contribution would be spent within five years of receipt of final payment. | |
| Leicestershire County Council Civic Amenity | £5,508 | Mountsorrel Waste Site to provide capacity to deal with additional waste. | The development would have an impact on the ability to process waste and recycled waste from the development. The proposed contribution would be related to the development and reasonable in scale and has been fully justified. Recommendation: CIL Compliant. |

Other matters that will be included in the s106 would be a Construction Traffic Routing Agreement to ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site and the appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after the occupation of the last unit to ensure effective implementation and monitoring of the Travel Plan submitted in support of the Planning Application. These elements have no direct financial implications but are better suited to the s106 Agreement than conditions in terms of effective enforcement and therefore there is no need to assess these elements in terms of CIL compliance.

The s106 has been submitted and is at an advanced stage and could be completed in the near future should the application be resolved to be approved.

The Planning Balance

The proposals are for the detailed approval of 108 dwellings on the site at Cemetery Road.

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 requirement to maintain a 5 Housing Land Supply; the effective re-use of a previously developed site within development limits; delivery of market and affordable housing and s106 contributions; and the significant levels of open space delivered as part of the proposals.

The delivery of ecological enhancements 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 Sileby itself that has already delivered housing through planning permissions significantly 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 lower provision of affordable housing is also noted. Impacts and changes in the relationship to neighbouring properties and the impacts during the construction process are also noted.

Conclusion

It is considered that there are no significant impacts arising from the development that cannot be mitigated. Having carefully considered all consultation responses and the views of neighbouring and nearby residents and the Parish Council, it is considered that the proposals are in accordance with the Development Plan. In particular 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 and associated guidance and Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 - 10 units – Four, 1bedroom flats and Six, 2 bedroom houses.
- Parks, Natural Open Space and Facilities for Young People – securing these on site facilities in perpetuity.
- Outdoor Sports Facilities - £149,776.36
- Allotments - £12,318.73

Due to the viability of the project, contributions would be sought later in the development build out.

Leicestershire County Council

- Library Facilities Contribution - £5,010 to Sileby Library
- Education Services – 301,991.29 to Sileby Redlands Community Primary School
- Civic Amenity - £5,508 at Mountsorrel Waste Site
- Travel Packs and Bus Passes
- £6,000 to Travel Plan Monitoring
- Construction Routing Plan
- Travel Plan Coordinator

Due to the viability of the project, contributions would be sought late in the development process.

External bodies

- Healthcare Contribution - £59,342.40 towards the Banks and Highgate Surgeries 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 development, hereby permitted, shall be begun not later than 3 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.
2. The development hereby permitted shall be carried out in accordance with the submitted plans:
 - Site Location Plan - 7227-L-07
 - Site Layout- 7227-L-04 Rev K
 - Design and Access Statement Addendum - 7227-L-08A
 - House Types:
Sileby/Alnwick/P-01; MJ/AVE/P-01; Sileby/Chdwth/P-01; Sileby/Beech/P-01;
Sileby/Hanbury/P-01; Sileby/Hatfield/P-01; Sileby/Leicester/P-01;
Sileby/Lumley/P-01; Sileby/QBlock-Elev/P-01; Sileby/QBlock-FP/P-01;
Sileby/Roseberry/P-01; Sileby/Rufford/P-01; Sileby/Souter/P-01; and
Sileby/Winster/P-01REASON: To define the permission and to ensure satisfactory development of the site.

3. a) Prior to development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken.
- b) Prior to development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority.
- c) Prior to development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority.
- d) The remedial measures as set out in the "Remediation Statement" required by part (c) of this condition shall be implemented in accordance with the agreed timetable.
- e) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part b) of this condition is encountered development shall cease until the "Remediation Statement" required by part (c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- f) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.
- REASON: To ensure safe development of the site and to protect human health and the environment.

4. a) No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; 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 the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.
- b) The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

5. Details regarding the construction of the flow control device should be provided detailing an appropriate overflow system that will become operation in the event of a drainage failure or exceedance flows.
REASON: To prevent any increase in flood risk to the properties to the South West as a result of development
6. No development approved by this planning permission shall take place until such time as a detailed construction phasing plan has been submitted to, and approved in writing by, the Local Planning Authority. Details within the phasing plan should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
REASON: To prevent an increase in flood risk and maintain the existing surface water runoff quality though the entire development construction phase, and to prevent damage to the final surface water management systems.
7. No development, including site works, shall begin until each tree shown to be retained on the approved plan has been protected, in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
8. a) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction worksb) The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period.
REASON: In the interest of Highway Safety, and ensure the free flow of traffic

using the adjoining Highway and to ensure that arrangements to not affect the amenities of neighbouring residents.

9. Prior to the commencement of built development, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in accordance with the approved timetable.
REASON: To ensure the satisfactory appearance of the development
10. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees, hedges and shrubs and lighting scheme, has been submitted to and approved by the Local Planning Authority. The scheme shall incorporate the recommendations for ecological enhancement included in the application submission and shall be implemented within the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
REASON: To ensure that the development delivers on the detail of the application and detailed appropriate landscaping in keeping with the character of the area. In accordance with Policies CS2, CS11, CS13 and Paragraphs 58 and 109 of the NPPF.
11. Prior to the occupation of each dwelling, the parking areas which relates 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.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no additional extensions, outbuildings, structures or means of enclosure (e.g. walls, gates, or fences) shall be erected without prior written approval of the Local Planning Authority.
REASON: Having regard to the size of the approved back gardens, relationship to neighbouring properties and possible ground contamination on the site.
13. There shall be no burning of waste on the site during the construction process.
REASON: To ensure that arrangements to not affect the amenities of neighbouring residents
14. There shall be no audible demolition/construction noise beyond the site boundary before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Bank Holidays.
REASON: To ensure that construction of the scheme does not affect the amenities of neighbouring residents.

15. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on WYG drawing number: A096988 002 Rev A have been hard surfaced and implemented in full. The existing street lighting column (Cemetery Rd id 6) and telegraph pole that require relocating as part of the development works shall be carried out entirely at the expense of the Applicant, who shall first obtain the separate consent of the appropriate authorities/companies.
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.
16. Before first occupation of any dwelling hereby permitted the roads within the development shall be provided in accordance with FPCR Environment and Design Ltd drawing ref: 7227-L-04 Rev J. Any turning spaces shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
17. No part of the development hereby permitted shall be first occupied until a Residential Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.
REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Chapter 4 of the National Planning Policy Framework 2012.
18. 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 accesses that serve the Civic Amenity Site on Cemetery 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.
19. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

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

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies EV/1, TR/18 and ST/2 of the Borough of Charnwood Local Plan (adopted 12th January 2004); Policies CS1, CS2, CS3, CS11, CS12, CS13, CS14, CS15, CS17, CS18, CS24 and CS25 of the Core Strategy Charnwood Local Plan 2011 to 2028 and the aims and objectives of the NPPF as a material consideration, have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building
4. Land Drainage Consent
If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process.

Guidance on this process and a sample application form can be found via the following website:

<http://www.leicestershire.gov.uk/Flood-risk-management>

No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

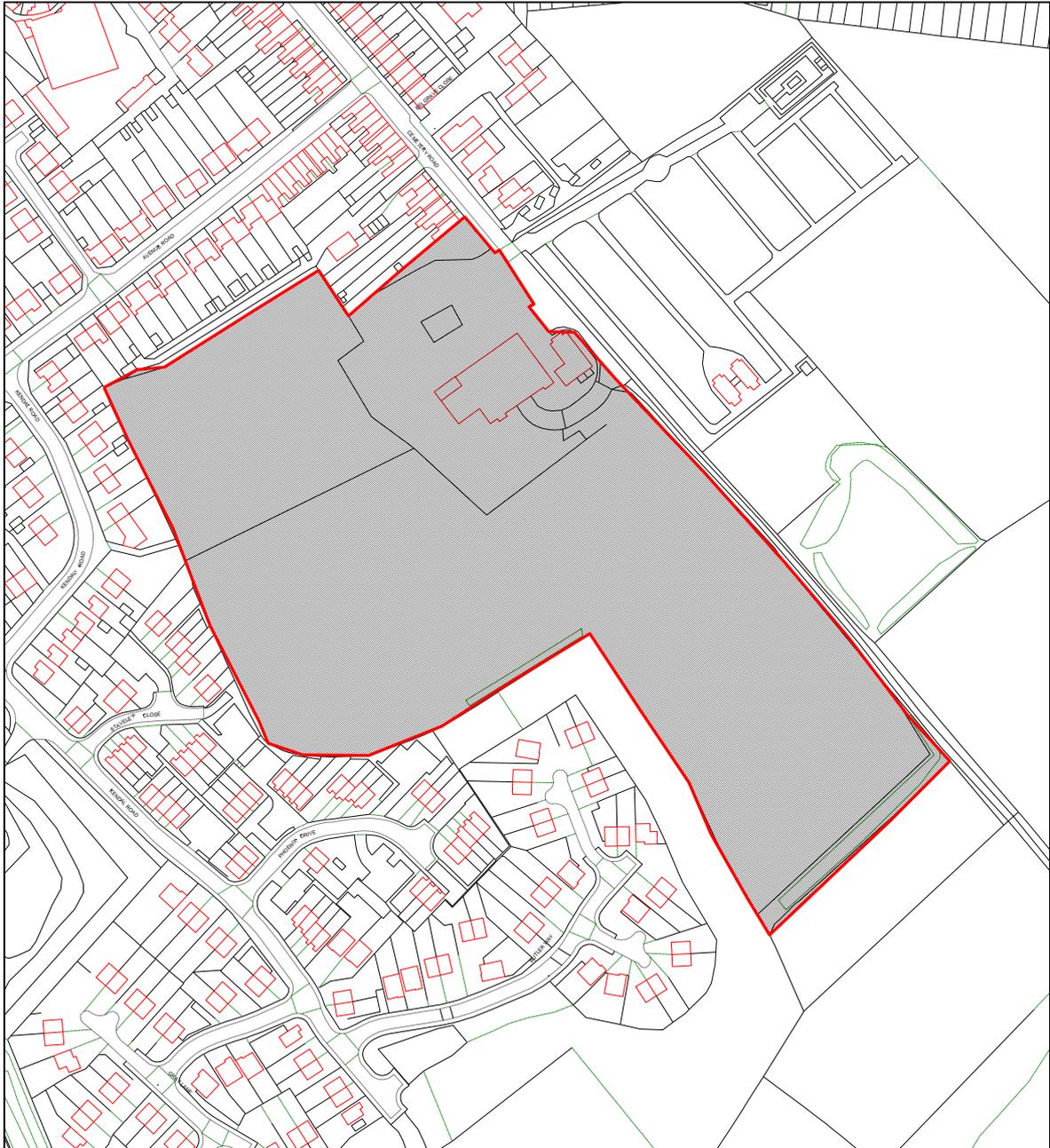
SuDS design and Treatment

The LLFA note that the Industry Best practice at the time of developing the FRA may have been CIRIA C697 in relation to the SuDS design, but that new guidance has been produced in the form of CIRIA C753. The LLFA would recommend that the SuDS designs refer to the new guidance, including where the following aspects are detailed: treatment requirements and maintenance schedules for the surface water system.

5. Please note, it is the responsibility of the LPA under the DEFRA/DCLG legislation (April 2015) that the adoption and future maintenance of SuDS features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.
6. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
7. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at <https://www.leicestershire.gov.uk/environment-and-planning/planning/6cs-design-guide>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

8. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).



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