



COSBY PARISH COUNCIL

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OBJECTION

Application No: 23/0182/OUT

Residential development of up to 200 dwellings including provision of public open space, associated infrastructure all matters reserved except for access.

Location: Land Off Croft Road Cosby Leicestershire

Cosby Parish Council **OBJECTS** to the application.

1. Paragraph 2 “Introduction” of the National Planning Policy Framework 2012 states clearly *“planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”*.
2. The Blaby District Council Local Plan and the Cosby Neighbourhood Development Plan have both been “made” and are intrinsic parts within the definition of the Development Plan.

The Local Development Plan is neither absent, silent nor relevant policies out of date as recognised by the applicants in their repeated references to their compliance with the Local Plan policies and therefore full planning weight must be applied to the Local Plan and the policies within.

3. The new Local Development Plan for Blaby District Council is in development but has limited weight attached to it, as it is neither complete, late in submission or assessed by the Planning Inspectorate. As such the current Local Development Plan carries full weight in the determination of planning applications.
4. This application for up to 200 homes on Open Countryside fundamentally conflicts with Blaby District Council Policy Core Policy CS18 (Development in the countryside) and can only be assessed against the NPPF and Blaby District Council Local Development Plan, unless *material considerations indicate otherwise*”.

When considered as an application within the Local Plan policies and the distribution of housing delivery within the medium central villages, there are no material considerations that would indicate that the Local Plan is not carrying full weight and that policies should be ignored.

5. The land off Croft Road, Cosby that is proposed for development does not appear in the 2019 approved “Strategic Housing and Economic Land Availability Assessment (SHELAA) within appendix 1 – “*Sites with planning permission, under construction or allocated for development, as at 1 April 2019 (yield of 5 or more dwellings)*”
6. Of immediate note is the applicants comment at 2.8 of their Planning Statement suggests that their Planning Statement document is many years out of date; “*All of the above facilities would be within 800m (0.5 miles) of **the appeal site.***”

This application is not a document for a planning appeal, this is a fresh application to build up to 200 homes.

7. Despite the assertions of the applicant, in section 3 of the Planning Statement, Application Background, the Planning Inspector found in favour of the Planning Committees determination to refuse the application and dismissed the appeal to build on Open Countryside.

Since that point in time, little has materially changed other than the spatial distribution across the medium central villages has become more skewed, placing significant strain on the existing infrastructure and negating the need for further development within the medium central villages.

8. The comments regarding Croft Road in section 7.35 (xiv) suggesting that the level of on-street parking does not significantly hinder the free-flow of traffic is laughable and demonstrates a complete lack of understanding of the traffic flow and congestion issues on Croft Road.

The secondary reference to Cosby Road is confusing and may relate to another planning application elsewhere.

9. The out-of-date and misleading applicants’ Design and Access Statement (pages 13 & 19 maps) red line boundary of the application site visually demonstrates the overbearing scale of the application site in comparison to the existing built form of the village.

In proportional comparison, the proposed development of up-to-200 homes dwarfs the immediately adjacent and neighbouring 48 properties on Lady Leys being over 4 times the size of Lady Leys. This will clearly have a significant and detrimental effect on the amenities of the existing residents of Lady Leys. This can be visually assessed “off-plan” on page 30 of the Design and Access Statement.

Similarly, the proposed development is over 6 times the scale of the 32 homes on Prior William Close which only secured planning permission on Open Countryside as a designated Rural Exception Site.

10. A number of comments within the Design and Access Statement are incorrect and misleading.
11. Page 35 of the Design and Access Statement clearly indicates as point number 1; what is understood to be the “*potential expansion of Victory Park*” to “*Deliver usable multi-functional public open space*”.

The open space indicated does not appear within the red line boundary of the application and cannot therefore be considered as any element of the planning application.

12. The illustrative Access and Street Hierarchy plan on page 38 of the Design and Access Statement indicates numerous semi-private drives which are likely to conflict with the refuse collection policies of Blaby District Council where refuse vehicles will not access refuse bins via private roads.
13. Blaby District Planning Authority holds a housing supply in excess of 5 years with no reasons to override Local Plan policies which would directly conflict with core policy CS18.

The applicants specifically note in sections 5.1 and 5.2 of their Planning Statement that *“planning applications must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise”* and *“The Development Plan for Blaby consists of the Local Plan (Core Strategy) adopted in 2013 and the Local Plan Delivery DPD which was adopted in February 2019.*

This planning application can then only be assessed against the existing Local Plan and associated policies as confirmed by the applicants.

Transport Assessment – Applicants

14. Section 2.2.5 of the Transport Assessment states that: –

“The Local Plan identifies a requirement of 8,740 dwellings to be built in the district between 2006 and 2029. Policy CS5 identifies a total of 815 dwellings to be provided in Littlethorpe, Cosby, Croft and Sapcote. The proposed development will therefore contribute towards this requirement”.

This is an incorrect, misleading and an under-representative statement which does however confirm that the applicant, by quoting the housing requirements for Blaby District, recognises that policy CS5 is relevant; that the current local plan is the local plan in force and that policy CS5 is an up-to-date policy and that it must carry full weight.

15. Section 6 of Policy CS5 “Medium Central Villages” is specific. The Medium Central Villages comprise of Littlethorpe, **Huncote**, Cosby, Croft and Sapcote, with a combined housing target of 815 over the plan period. It is quite evident that the applicant has chosen to exclude Huncote and the 181 houses delivered within Huncote from the villages that make up the medium central villages throughout the Transport Assessment.
16. This misleading and incorrect statement runs through the applicants’ documents and also appears in the Travel Plan consistently misstating the housing requirements across the Medium Central Villages.
17. The omission of Huncote renders the statement of *“the proposed development will therefore contribute to this requirement”* invalid as what is evidentially a very material consideration **“Huncote”** has been consistently omitted from critical application documents.
18. As the applicant has based their assessments on their under-stated Medium Central Villages, the applicant has under-calculated the housing delivery by a minimum of 181 properties in Huncote. This misrepresents the overall impact of the applicants’ development in the Medium Central Villages by a minimum of 181 residential properties, **19 short of the applicants’ “up to 200” dwellings.**
19. Section 3.4 Pedestrian Accessibility sections 3.4.1 to 3.4.3 stretches the concept of pedestrian accessibility to an unusual limit.

Anybody wishing to access the footway into Cosby from the proposed development either has to cross Croft Road once or twice depending on destination with the dropped kerb indicated in 3.4.3 entirely within the site boundary of Prior William Close and not linking to any footway on Croft Road.

20. Section 4.2.5 states that the footway on the northern side will be extended from Prior William Close to the proposed site entrance. It is understood that the land required for this footway extension is in private ownership and would require a separate legal agreement which appears to be absent at this time.

21. Section 3.8.1 **Highway Network** seems to suggest that traffic exiting the proposed development would travel west towards the B4114, Coventry Road to travel into Leicester.

The more likely and more direct route would be through Cosby onto either Park Road – Cambridge Road or Countesthorpe Road - Lutterworth Road – Blaby by-pass and a far more significant impact on the existing settlement and road infrastructure.

22. Section 3.10 only comments on recorded collisions involving personal injury – not total collisions, full collision data should be provided.

23. Section 4.2.6 states that speed cushions will be provided on Croft Road. More information is required as it is well known that speed cushions in residential areas create their own noise and vibration issues and may be detrimental to existing residents.

24. The applicants' traffic assessment demonstrates that Croft Road, Cosby is already an extremely busy, fully residential road with approaching a peak of 6,000 vehicle movements per day.

The proposed development of up to 200 and potentially 280 dwellings will only exacerbate what is already locally known as a busy, challenging and often congested road.

Policy CS5 – Housing Distribution.

25. Blaby District Local Plan Policy CS5 details the distribution of housing and land allocations.

26. The application land does not appear in the land allocations within the Local Plan.

27. As at March 23rd 2023, the total number of “completed” dwellings across the Medium Central Villages was 987 against a Housing Requirement of 815; 815 being agreed and as stated by the applicant in their Transport Statement.

28. The current over-delivery across the Medium Central Villages equates to 172 dwellings over the housing requirement, a 21.1% over-delivery.

29. This application for up to 200 homes within the Medium Central Villages would increase the over-delivery to a minimum total of 372 equating to a near **50% over-delivery and unacceptably and severely skewing of the spatial distribution of housing between the PUA and Non-PUA areas.**

30. A near 50% over-delivery of housing and population growth will inevitably have a disproportionate and unacceptable impact on the existing settlements and infrastructure.

31. Planning Policy Officers at Blaby District Council have confirmed that 99 dwellings have been delivered within Cosby between 2006 and 2021 and within the Plan Period, a 7.3% increase with zero infrastructure gain within the plan period.

32. Cosby currently has c: 1,458 residential dwellings within the main conurbation which the application seeks to expand by 200 dwellings.

A 200-dwelling development would equate to a 13.7% increase in, in-village housing, vehicle and pedestrian movements and subsequent demand on limited infrastructure.

33. The applicants outline plan clearly indicates and intimates the “Potential Development Site by Others” with a secondary site access through that parcel of land. It seems inconceivable that the applicants are not in dialogue with the land owners of this additional parcel of land and the Parish Council requests any details of those conversations.

Should the applicants’ proposal secure planning approval, the potential development site will become landlocked and potentially viewed as “planning infill” creating a further negative impact on the settlement of Cosby.

The potential development site with secondary site access indicated by the application could likely accommodate around 80 dwellings. In reality and in practice, the impact on Cosby is the 99 already delivered, plus the proposed 200, plus the opening up of additional land for a further c:80 dwellings.

Overall, the total impact on Cosby would equate to around $99 + 200 + 80 = 379$

Plan period baseline – 1,359 dwellings

99 already delivered in the plan period = 7.28% growth

200 + 99 in the plan period = 22% growth

Risk of 200 + 80 + 99 (delivered) = 379 = 27.9% growth

These scales of unnecessary and unwelcome growth are entirely out of character with the rural nature of Cosby, are unnecessary within the approved Local Plan and skew yet further the spatial distribution of housing across the medium central villages.

The most up to date housing delivery within Policy CS5 of the Blaby District Local Plan is clear and unambiguous for the Medium Central Villages which are currently exceeding the “minimum” housing numbers by 21.1%. This application for up to 200 homes; if not refused will over-deliver by nearly 50% and fundamentally and irrecoverably, skew the spatial distribution of the Local Plan and overload the local infrastructure.

34. The applicant suggests that land could be offered as a “Potential expansion of Victory Park”. The potential land indicated does not sit within the red-line boundary of the application site and cannot therefore be considered as part of the application.

35. Considering the points above, the “scale” of the proposed development is more than significant and the impact detrimental with no material considerations that would overcome the fundamental conflicts with policies CS5 and CS18.

36. When considered against section 2 of the NPPF, the Local Development Plan and Cosby Neighbourhood Development Plan both being “made”, neither being absent, silent or out

of date, there are no material considerations that would indicate otherwise than the **presumption against this development on Open Countryside.**

Policy CS18 Development in the countryside.

37. Policy CS18 seeks to protect open countryside from inappropriate uses that would undermine its open character and carries a presumption against development.
38. Section 2.3 of the applicants' Planning Statement states that the application site is bounded on the north and west of the site by Open Countryside, ignoring the fact that the application site itself is Open Countryside, as defined in the Blaby District Council Local Plan and has a presumption against development.
39. It would be impossible for this proposed development to not undermine the open character of the north and western open countryside areas of Cosby which stretches from the current built form on Croft Road out to the B4114 Coventry Road with virtually uninterrupted views.
40. Section 2.7 of the applicants' Planning Statement is out of date as it states that there are facilities in the village that do not exist and challenge the available infrastructure stated and the applicants' basis for the suggested sustainability of the development.
41. Policy DM2 of the Delivery DPD (2019) is inherently irrelevant to this application due to the fundamental conflicts with core strategy policies CS5 and CS18 and the lack of any material considerations that would result in policy override.
42. Bullet 6.4 (c) of the applicants Planning Statement acknowledges that developments that accord with an up-to-date development plan should be approved without delay.

Evidentially, this application does not accord with and conflicts with the up-to-date development plan for Blaby District Council and should be refused on that basis.

Highways access.

43. ***"all matters reserved except for access"*** commits the development to a single point of access and egress off an already busy and endlessly complained about road.
44. This single point of access and egress is unacceptable to the residents of Croft Road in particular, but also to the wider community and to Cosby Parish Council.
45. Leicestershire County Highways "highways requirements part 1", (1.11) clearly states that ***"no more than 150 dwellings will be permitted to be served via a single point of access and the internal estate layout should be in the form of a loop wherever possible"***.

The initial response from the County Highway Authority is unambiguous in stating that the proposed development is considered contrary to Table DG1 part 3 of LHDG which states that no more than 150 dwellings should be served by a single point of access off a residential access road.

Evidentially, the proposed development of up to 200 dwellings conflicts with both of these requirements and should be refused on Highways grounds.

The Parish Council refers to point 33 above and seeks clarity on the suggested potential secondary site access presented by the applicants.

Planning Obligations.

46. Section 8.1 of the Planning Statement is non-specific and fails to specify what local facilities could be invested in and improve the viability of what?
47. Section 8.4 suggests investment in local Healthcare facilities of which there are none outside of a privately operated pharmacy.
48. Section 8.5 sets the position of Jelson's who hold the caveat that no planning obligations may actually be brought forward so potentially no guaranteed benefit for the Cosby settlement and community.

Other observations include: -

49. Bizarrely, although the applicant states that the application complies with numerous Local Plan policies in their Planning Statement and Transport Statement and by default acknowledge that the Local Plan is up to date by repeatedly stating that the application accords with local policies. In section 7.37 of the Planning Statement, the applicant then tries to assert that the "relevant plan polices" are out of date when they are clearly not and is a direct contradiction of the applicant's own assertions throughout the application.
50. The proposed Public Open Space, extension to Cosby Victory Park adjoining Cosby Victory Park is neither within the red line boundary of the application or considered to be a financial contribution to the village of Cosby as the land is indicated to be a flood plain. As such the parcel of land is of no obvious strategic development value to the developers and will become landlocked for the owner should the development ultimately be approved.

If this parcel of land is a genuine proposal, then it must appear within the red-line boundary of the planning application to be considered.

51. The County Council Highways Department have dismissed the traffic assessment due to the incorrect modelling being applied.

Public consultation.

52. The applicant has made no effort to consult with the public.
53. Cosby Parish Council however facilitated two well-attended public meetings with the first public meeting far exceeding the expected attendees.
54. A resident instigated impromptu public vote at the end of the second public meeting resulted in a virtually unanimous vote against the development.
55. Cosby Parish Council at their monthly meeting on 20th April 2023 then; with all matters considered, resolved to object to the application.
56. Out of many comments at the public meetings, two common themes were prevalent being:
 1. Traffic on Croft Road and further congestion in the village (The applicant asserts that there are no traffic issues on Croft Road)
 2. Scale of development compared to a small rural village of c: 1,458 residential properties equating to a 13.7% increase.

Summary comments not covered above from the audience include: -

3. Single point of access and egress is unacceptable and dangerous.
 4. Traffic and congestion
 5. How will Jelson's deliver a green agenda
 6. Lack of parking in the village
 7. Air quality
 8. Lack of services in Cosby
 9. Loss of recreation space
 10. Flooding – surface water collection and disposal
 11. Electricity network overload
 12. Construction traffic travelling through the village
57. 244 public comments have been submitted to the Planning Authority, the vast majority of which are in opposition to the proposed development with a general reflection of the key points noted above.
58. Should the development ultimately be approved, Cosby Parish Council will require substantial investment in appropriate housing mix, highways mitigation, modal shift, pedestrianised travel measures and community infrastructure.
59. Should the development ultimately be approved, Cosby Parish Council expects the developers to work constructively with the local planning authority, Cosby Parish Council, Leicestershire County Council and the community of Cosby to bring forward a development that fully recognises the vast scale and impact of the proposed development and is acceptable to the existing residents of Cosby.
60. The applicant must be and fully demonstrate the full support of the County and District Councils ambitions for "modal shift" with Active Travel policies and pedestrianised routes as is indicated in the Applicants Travel Plan, stating that *"This will be achieved by providing new routes for pedestrians, cyclists, and public transport (as part of new development proposals) and enhancing existing facilities"*
61. As the developers are committed to Modal Shift and pedestrian safety, Cosby Parish Council calls on the Applicant, County and District Planning Authority to ensure that the development includes the installation of a pedestrian crossing on Narborough Road adjacent to the Narborough Road exit and entrance to Cosby Victory Park in support of safe pedestrian travel between the applicant's development and Cosby Primary School.

END