

## Item No. 1

### Application Reference Number P/13/2498/2

<b>Application Type:</b>	Hybrid	<b>Date Valid:</b>	04/01/2012
<b>Applicant:</b>	Commercial Estates Projects & Mr J Pochin & Trustees		
<b>Proposal:</b>	Mixed use residential-led development, to be developed in phases, including: Preparatory works including demolition as necessary; Approximately 4,500 residential units (Class C3, including affordable homes); Class C2 (specialist) housing; Up to 13 hectares of employment land (Use Classes B1(a),(b),and (C), B2 and B8); Two local centres and one district centre (including uses A1-A5, B1, C1, D1, and D2 and including a food-store (up to 4,500m <sup>2</sup> gross) with associated car parking); Provision for school facilities including a reserve site for a secondary school, healthcare facilities; a reserve site for gypsies and travellers; open space including allotments; parks; natural and semi-natural green space; amenity green spaces; facilities for children and young people; outdoor sports provision including playing pitches and tennis courts; associated infrastructure including footpaths cycleways, a north-west link road between Barkby Lane and the A607 with bridge across the railway line; and associated engineering and landscaping works (including SUDs).		
<b>Location:</b>	Land to the North East of Leicester		
<b>Parish:</b>	Barkby, Barkby Thorpe, Thurmaston, Syston,	<b>Ward:</b>	Syston West, Thurmaston Queniborough
<b>Case Officer:</b>	Graham Smith	<b>Tel No:</b>	01509 632521

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### Application Site

The application site comprises approximately 360 hectares of land located to the north-east of Leicester. The northern edge of the site abuts Barkby Lane between Syston and Barkby. The eastern edge is a mix of field boundaries near to Barkby and Barkby Thorpe. The southern boundary of the site adjoins the residential area of Hamilton and the Hamilton business park within Leicester City Council's administrative area. Outside the site to the South-East are the remains of the Hamilton Medieval Village, a Scheduled Ancient Monument. The south-western edge abuts existing housing in Leicester and Thurmaston, and then the main London to Sheffield railway line to the north. The application site includes areas to the north-west, currently agricultural land and part of the Berrystead Nursing Home, Roundhill Academy and associated school playing fields, and a semi vacant site alongside the A607.

The site is currently predominantly in agricultural use although there are a small number of existing houses, included, which lie along Barkby Thorpe Lane. The proposed development is situated largely outside the limits to development, within an area defined in the saved policies of the Charnwood Local Plan as largely open countryside. The site is also located within the Area of Separation and Green Wedge identified in the adopted local plan between Syston and Thurmaston. .

## The Proposal

The application is in hybrid form that includes:

- An application for outline planning permission for a Sustainable Urban Extension (SUE), with all matters reserved for future consideration, and
- An application for full planning permission for the Southern Link Road - most of the link road proposal is situated within Leicester City Council administrative boundary but includes a proposed bridge over the Melton Brook, part of which is within Charnwood Borough boundary.

An Environmental Impact Assessment (EIA) was also submitted with the application which assesses the likely effects arising during the construction and operational phases of the development. It considers the impact on the following:

- Landscape and Visual Impact Assessment
- Ecology and Biodiversity
- The Water Environment
- Transport
- Air Quality
- Noise and Vibration
- Socio Economic Impact
- Heritage
- Land Use and Agricultural Land Status
- Cumulative and residual effects

The EIA was updated to take account of amendments to the scheme and the submission of the revised Transport Assessment. The detailed assessment cannot be reproduced in this report but it is available for members to view on the Council's website. Conclusions of the Environmental Statement are set out later in this report.

The planning application includes the following information in support of the proposal:

- An Illustrative Masterplan
- A Design and Access Statement
- A Planning Statement
- Economic Statement
- Green Infrastructure Study
- Ground Conditions Statement

- Landscape Framework
- Outline Energy Statement
- Retail Assessment
- Statement of Community Involvement
- Sustainability Statement
- Utilities and Wastewater Statement
- Waste Strategy

The Design and Access Statement describes the applicant's approach to the site at north east of Leicester in terms of analysis, the development concept and the overall layout of the SUE. It confirms that the design process commenced by considering the site's context and setting, the relationship to the surroundings including the patterns of movement and site features. The process included an evaluation of the nature and pattern of existing urban areas in the immediate vicinity of the site to identify the design areas that could be incorporated into the SUE, to help assimilate it into the local area.

The design process also involved the preparation of 6 'parameter plans'. These plans set out the range within which detailed design that comes forward via reserved matters applications will be assessed. The parameter plans seek to ensure that the key aspects of the masterplan are delivered and that the SUE is implemented within the scope of the development tested by the Environmental Impact Assessment. The 6 Parameter Plans cover the following areas:

1. The extent of Development
2. Density
3. Height
4. Access
5. Land use
6. Landscape infrastructure.

These parameter plans were amended following the submission of the amended Environmental Impact Assessment.

The application is also accompanied by an indicative phasing plan and detailed drawings for the southern access element of the proposal.

The proposed land uses within the outline application include the following:

- Up to 4,500 residential units on 133 hectares
- 13 hectares of Employment Land
- A 5.5 hectare District Centre 5.5ha (including foodstore)
- Two Local Centres covering 1.2 hectares in total
- Primary schools 6.2ha (total)
- A 7.8 hectare site reserved for secondary school
- Approximately 150 hectares of open space of various types
- A Site for gypsies and travellers of 1.1 hectare

### District Centre (Sub-Total 17,000 m<sup>2</sup>)

- Large Convenience Store 4,500m<sup>2</sup>
- Small Convenience Stores 1,200 m<sup>2</sup>
- Comparison Stores 6,000 m<sup>2</sup>
- Service (non-retail Class A1, plus Class A2, A3, A4 and A5 uses) 5,300m<sup>2</sup>

### Two Local Centres (Sub-Total (combined) 3,000m<sup>2</sup>)

- Small Convenience Stores 1,600m<sup>2</sup>
- Comparison Stores 700m<sup>2</sup>
- Service (non-retail Class A1, plus Class A2, A3, A4 and A5 uses) 700m<sup>2</sup>

### Open Space

Parks covering 48.61 hectares

- Natural and semi-natural green space of 61.43 hectares
- Amenity green space of 5.99 hectares
- Facilities for children's recreation -7 sites
- Facilities for young people - 7 sites
- Outdoor sports provision 29 hectares of which 13 hectares will be for community use pitches & tennis courts
- 4 Indoor courts
- Allotments covering 4.11 hectares

Access to the development will be via two main roads:

- a northern link road connecting to the A607 Syston By-pass (a short distance south of the Bentley car showroom); and
- a southern link road connecting the Sandhills Avenue/Bellflower Roundabout on the edge of Hamilton, a short distance from the outer ring road. As set out above, the majority of the southern link road falls within Leicester City Council boundary. Leicester City Council's Planning Committee passed a resolution to grant planning permission on 24<sup>th</sup> September 2014.

A wide range of transportation initiatives are proposed to be undertaken over the period that the SUE is developed. These are explained in more detail later in this report. In terms of major highway schemes, the applicant, working with the Local Highway Authorities at Leicestershire County Council and Leicester City Council and the LLITM<sup>1</sup> model, has identified the timing of the provision of three components of the SUE's infrastructure. These are:

1. Southern Link to A583 (Leicester Outer Ring Road) - 575 units;

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<sup>1</sup> Leicester and Leicestershire Integrated Transport Model.

2. Improvements to Barkby Thorpe Lane and ASDA roundabout/A607 -1,260 units;
3. North Western Link, to A607 – 2,355 units.

Accordingly the major highway works are proposed to be phased based on this analysis and are therefore expected to be complete by the time approximately 50% of the SUE has been built.

An internal spine road is proposed to connect the northern and southern links and will be completed in stages as the development progresses, starting in the south and finishing when the connection is made to the A607. The spine road has been modelled as a 7.3 metre wide carriageway to allow for public transport access. The speed limit is proposed to be 30 mph except the section fronted by the district centre where the speed is proposed to be 20 mph.

In addition to northern and southern link roads, there are a number of existing roads in the area, which are proposed to provide secondary access routes into the development, these are:

- Barkby Thorpe Road;
- Barkby Thorpe Lane;
- Barkby Lane;
- Hamilton Lane;
- Colby Road;
- Colby Drive; and
- Hilltop Road.

In addition to the vehicular accesses, there will be a network of cycle routes and footpaths through the development. The proposal also provides pedestrian/cycle links between the site and existing residential areas, such as Hamilton and Thurmaston, as well as other destinations in the local area.

The submitted Transport Assessment includes a number of traffic management measures which seek to discourage development traffic using sensitive routes to the east. These measures include the following:

- Closure of a section of Barkby Thorpe Road and its diversion through the proposed new development;
- Diversion of Hamilton Lane through the development;
- 20mph speed limit on the Spine Road through a section fronted by the proposed District Centre;
- Gateway features (narrowing to single lane) at each end of Barkby and Barkby Thorpe villages, where not already provided, and at the northern end of Scraftoft;
- Speed limit reductions on roads between the proposal and Barkby Thorpe; and
- Capacity restraints on movements to/from Barkby Thorpe east and south of the Spine Road.

The internal layout of the development is not presented for consideration as part of this planning application but will be subject to reserved matters applications subsequently. These applications will cover such details as residential road layout, internal/external connections for pedestrians and cyclists, parking provision, public transport infrastructure and the detailed design of the spine road.

It is anticipated that the development will be constructed over a period of 15-20 years, at an average build out rate of 200-300 dwellings per year. The phasing information submitted with the application suggests that the development will commence at the southern end of site around Barkby Thorpe Road and spread north as each section of the spine road is complete. The applicant estimates the scheme will represent a total capital investment of £445 million.

Proposed Phasing - Broad Timescales and Content

The proposed phasing of the development is:

- Phase 1 - Years 1 to 3 - up to 575 residential units and the initial stages of the proposed district centre;
- Phase 2 - Years 4 to 6 - up to 1,725 residential units in total and highway improvements to southern access; remainder of district centre; open space; employment uses and primary school;
- Phase 3 - Years 7 to 13 - up to 3,750 residential units in total, Northern link road, Eastern local centre and second primary school, Decision taken on need for secondary school on land reserved for this purpose, early stages of northern employment development;
- Phase 4 - 2027-2029 - Up to 4,500 residential units in total

Affordable Housing

The applicant has agreed to provide 25% of the total number of dwellings as affordable homes. This equates to approximately 1,125 affordable homes. The applicant will provide 20% of these as 'intermediate homes' (such as shared ownership) and 80% for affordable rent or an equivalent rented product should affordable rent be superseded during the lifetime of the development.

The applicant has proposed the following mix of affordable homes, which includes a 60 unit Extra Care scheme and 30 bungalows.

Type	Intermediate		Affordable Rent	
	Number	%	Number	%
1 bed 2 person Flat	0	0%	81	9.0%
1 bed 2 person Extra Care Flat	0	0%	20	2.2%

1 bed 2 person Bungalow	0	0%	15	1.7%
2 bed 3 person Bungalow	0	0%	15	1.7%
2 bed 3 person Flat	34	15%	135	15%
2 bed 3 person Extra Care Flat	0	0%	40	4.4%
2 bed 4 person House	101	45%	279	31%
3 bed 4 person House	90	40%	0	0%
3 bed 5 person House	0	0%	243	27%
4 bed 6 person House	0	0%	72	8%
<b>Total</b>	<b>225</b>	<b>100%</b>	<b>900</b>	<b>100%</b>

### Environmental Statement Conclusions

Environmental Impact Assessment (EIA) is a process undertaken in respect of certain types of development prior to the grant of planning permission. It provides a means of drawing together the findings from a systematic analysis of the likely significant environmental effects of a scheme to assist Local Planning Authorities, statutory consultees and other key stakeholders in their understanding of the impacts arising from the development.

The Non-Technical Summary submitted with the Supplementary Environmental Statement in August 2014, includes the following summary table of effects with mitigation in place:

<b>Environmental Topic</b>	<b>Effects during Construction</b>	<b>Effects during Operation</b>	<b>Cumulative Effects</b>
Landscape & Visual Effects	Short term, minor to moderate adverse effects	Range of beneficial and adverse effects softened through detailed design and as landscaping matures	None anticipated
Ecology	Minor to moderate adverse	Positive/neutral	None anticipated
Water Environment	No significant effects	No significant effects	None anticipated
Transport	Short term negligible adverse	Long term minor beneficial/negligible effects	Negligible

<b>Environmental Topic</b>	<b>Effects during Construction</b>	<b>Effects during Operation</b>	<b>Cumulative Effects</b>
Air Quality	Negligible	Slight adverse to negligible	None anticipated
Noise	No significant effects	No significant effects	None anticipated
Socio-Economics	Moderate positive effects	Negligible/neutral	None anticipated
Heritage	Negligible and minor adverse effects	Minor beneficial/negligible	None anticipated
Agriculture and Soils	Moderate adverse to negligible effects	negligible	None anticipated

The more detailed summary of findings from the Environmental Statement regarding the various assessed impacts of the development are as follows:

- Landscape

The assessment separates and labels areas as either developed or undeveloped, both in and near to the application site. The assessment refers in detail to these areas both during the construction and once the scheme is developed. The Assessment also considers impacts on views. Assessments range from either adverse or beneficial and are categorised from negligible, minor, medium, or high and also consider short or long term impacts. Long term, high adverse are demonstrated on the Thurmaston Agricultural area and on views from the Thurmaston eastern edge. These two areas being the ones most affected.

In response to the assessment, the applicant proposes a range of mitigation measures to be incorporated within the proposals to address potential effects. These include a strong green infrastructure network and seeking to ensure that lower density housing will be located on the edge of the development with natural planting providing a transition zone to surrounding countryside. Key landscape features within and outside the new development areas will be retained and enhanced whilst new landscape features will be created that reflect the local landscape character. Local topography is to be respected by building below the ridgeline to the east. It is acknowledged that mitigation measures will need to be put in place to minimise the effects of lighting pollution.

The assessment concludes that the development will, on the whole, complement, respect and fit within the existing scale, landform and pattern of its surroundings. Whilst inevitably, for a proposal of such magnitude, there will be impact on the existing land use, the conclusion is that the proposed development will enhance the settlement edge and address policy and landscape character aspirations.

- Ecology

The applicant has undertaken a Habitat survey. The study area consists mainly of arable farmland (of site value) with fields separated by hedgerows (of mainly site or local value). There are a number of ponds, two streams (the Melton Brook and the Barkby Brook), two wooded copses and a number of mature and veteran trees along boundaries, most of these features are identified as being of local value.

The assessment sets out a number of potential effects on the features and species identified, with adverse impacts arising during the construction phase. However for the majority of receptors at construction and operational phases, the residual impact of development will be neutral or positive. A range of mitigation measures are identified, including careful scheme design combined with appropriate construction and operational phase mitigation measures.

- Flooding

An assessment has been carried out of the effect of the development on surface water, groundwater and flood risk. The assessment has been informed by a site specific Flood Risk Assessment and hydraulic models of Melton Brook and Barkby Brook which have been based on topographic and channel survey information. A drainage survey of Thurmaston Dyke was supported by site visits, CCTV surveys and dye tracing with groundwater, rain and flood risk from other sources assessed using information through a desktop review.

The potential effects of the proposed development have been identified by the applicant's consultants using experience guided by the baseline assessment, professional judgment and stakeholder consultation. Mitigation measures have been developed for each identified impact based on professional experience and informed by best practices.

In terms of existing conditions, there are three principal watercourses in the vicinity of the application site, Barkby Brook to the north, Melton Brook to the south and Thurmaston Dyke to the west. There are also several small drainage ditches on the site and a number of ponds within and in the vicinity of the site. The River Soar and Grand Union Canal are located approximately 1,000 metres west of the application site.

In relation to flood risk, a small area of the site (far north-east corner) is at risk from Barkby Brook during a 1 in 1,000 year flood event (Flood Zone two) whilst flood flows in Melton Brook (1 in 100 year and 1,000 year flood events) are completely retained in the channel. The remainder of the site is within Flood Zone 1 (low probability of flooding).

The assessment of the effects of the development on the water environment identified a range of minor and moderate adverse effects on all features during both the construction and operational phases and, as a result, a mitigation package has been proposed to address the impacts. The mitigation measures include:

- Measures in the Construction Environmental Management Plan will set out the methods to avoid, minimise and mitigate any adverse effects on the water environment. Method statements are to be agreed with the Environment Agency and local authorities, avoiding storage of potentially polluting plant or materials close to a watercourse or within a flood zone;
- Division of the site into 18 sub-areas for the delivery of appropriate drainage and flood risk mitigation measures in the completed development. Measures including fixing recommended finished floor levels and a comprehensive Sustainable Urban Drainage System (SUDS).
- A maintenance and management regime would be implemented to prevent the build-up of debris and rubbish which would block natural flows and increase flood risk either on-site or downstream;
- an undeveloped buffer strip of 9 metres along Barkby Brook and Melton Brook will be provided for operational maintenance purposes (and to offer ecological benefit).

It concludes that once the mitigation measures have been implemented, the potential effects on the water environment will be reduced or eliminated.

- Transport

An assessment of the potential environmental implications from traffic generated on the local highway network as a result of the construction and operation of the proposed development previously drew from an interim Transport Assessment which used a previous version of Leicestershire County Council's traffic model (LLITM). Following submission of the planning application, the final Leicester & Leicestershire Integrated Transport Model (LLITMv5) was completed and the scheme was assessed against this model. A replacement Transport Assessment was submitted with the Supplementary Environmental Statement in August 2014.

The Transport Assessment considers the effects of traffic flows with regard to severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accidents and safety.

The peak hours for traffic in the area were found to be 08.00-09.00 and 17.00-18.00 for the AM and PM peak hours respectively. An analysis of accident data has been carried out and identifies two points of note:

- A563 Troon Way / Barkby Road / Humberstone Lane - of the 18 recorded injury accidents over the past 5 years, 10 involved cyclists; and
- A563 Thurmaston Lane / A6030 Victoria Road East - of the 11 recorded injury accidents over the past 5 years, at least 7 of the accidents involved vehicles entering or leaving Sandhills Avenue.

In relation to public transport, the site is not currently served by buses but the areas of the development closest to Thurmaston will have access to the existing services 6 and 21. The nearest train station is at Syston with hourly services to Leicester to the south and Loughborough to the north. Footpaths and public rights of way cross the site.

The assessment of effects arising from transport generated by the construction of the proposed development has reviewed traffic associated with the transportation of construction plant and materials to and from the site, movement of heavy goods vehicles and traffic generated by the transportation of staff to and from the site. The assessment shows that the effects would be classified as short term, be of negligible adverse significance, and that any effects will be minimised by the implementation of a Construction Environmental Management Plan.

Once the urban extension is developed, the assessment shows that there will be a long term, minor beneficial effect on severance, pedestrian delay, fear and intimidation and accidents and safety. There will also be a long term, moderate beneficial effect on pedestrian amenity and driver delay. Various mitigation measures are proposed, including the implementation of a Framework Travel Plan and Bus Strategy for the site and other traffic management proposals. It is stated that this would result in a marginal improvement in terms of residual effects.

- Agricultural Land use

An assessment has been carried out to determine the existing quality of agricultural land and the effect of the development in terms of the loss of the land for agricultural purposes. Planning policy seeks to ensure that the retention of the best and most versatile agricultural land is taken into account when considering proposals for development. The assessment concluded that the site contains 19.7 ha of Best Most Versatile agricultural land in total. The agricultural land classification according to the MAFF (1983) map indicates that pockets of this Grade 3a land are located across the site. The loss of agricultural land to development is permanent and cannot be mitigated. This large site is mainly covered by natural soils and unmitigated construction practices have the potential to result in damage or loss to a very large volume of this finite resource, although some areas fall within open space/proposed soft landscaping and planting areas as indicated on the Illustrative Masterplan . An appropriate soil handling strategy

is proposed to mitigate this potential impact, such that the residual impact will be of negligible significance.

- Air Quality

In summary, the assessment has shown that the air quality impacts after mitigation measures are implemented through a Construction Environmental Management Plan will be negligible. After the scheme has been constructed and occupied, the effects are anticipated to range of slight adverse to negligible.

- Noise

An assessment of the noise effects of the proposed development has been carried out. The assessment has used relevant criteria from currently available guidance documents and standards such as the World Health Organisation Guidelines and Calculation of Road Traffic Noise to inform the methodology used. The assessment has concluded that the noise effects are unlikely to have an adverse effect on health or quality of life. The potential adverse effects are based on various worst case scenario assumptions for a small number of specific receptors. The overall conclusions attributed to the change in noise, when the development is considered as a whole, indicate that the change in road traffic noise levels will be barely, if at all, perceptible.

- Socio-Economic Impact.

The assessment of the effects on socio-economics examines population, education, shopping, health and other community facilities as well as the impacts of employment generated by the development on the local labour market and commuting patterns. These have been assessed based on the scale of any increase over the existing position, as well as the nature and context of the impact. The assessment has been based on the assumption that the main effects from the SUE will be felt in the local authority areas of Charnwood and Leicester.

The assessment has shown that the most significant effects of the development on the local economy would be:

- a capital investment of approximately £445 million over 15 years;
- creating 3,690 person years of temporary construction work;
- a total of 3,030 direct permanent job opportunities based on the site equivalent to over 4% of current employee numbers in Charnwood Borough, and 1.2% of those in the main impact area;
- over 3,200 net additional direct and indirect job opportunities in total in the local area; and
- about 3,650 net additional direct and indirect job opportunities spread across the region (including those in the local area and on the site).

The development will provide a range of types of housing and improve local choice. On this basis the impacts on housing are assessed and classified as major beneficial, reflecting the importance of the scheme in meeting the dwelling targets in the emerging Charnwood Core Strategy.

A number of potential adverse impacts are identified across a number of elements of community infrastructure (e.g. on education, health, recreation provision etc.). These can be mitigated through the provision of new facilities proposed as part of the development and the impacts are therefore expected to be neutral.

- Archaeology and Heritage

An assessment has been carried out to review the effects of the development on both archaeology and cultural heritage (historic landscapes and historic buildings). It incorporates a summary of an archaeological desk-based assessment (incorporating the results of an aerial photographic assessment, includes a scheduled monuments impact assessment and historic hedgerow assessment); the results of a geophysical survey conducted at the site, an archaeological evaluation and a Historic Built Environment Assessment.

No designated heritage assets are present within the Application Site. The Scheduled Ancient Monuments of Hamilton Deserted Medieval Village and adjacent Roman Villa are located 280 metres and 600 metres southwest of the site. The significance of the monuments derives primarily from the earthworks and below ground archaeological remains of the sites themselves.

None of the site is within a conservation area but three lie outside the site (the Barkby and Barkby Thorpe Conservation Area to the north east, the Syston Conservation Area to the north and the Queniborough Conservation Area to the north east). Due to distance and topography in the area the site does not form part of the settings of any of these conservation areas. No statutorily-listed buildings are present within the application site. There are 15 listed buildings within 500 metres of the application site boundary, but the site is not considered to form part of the settings of any of these, with the exception of no. 32 Main Street, Barkby.

There is known Prehistoric, Roman, Anglo-Saxon and Medieval activity in the area with most of this being of no more than local interest. The Humberstone, a natural glacial feature, is located about 120 metres south of the site.

The extent of the development has been limited in the south east, to avoid impacts on the setting of the Hamilton Deserted Medieval Village in particular.

The majority of the effects during both the construction and operational phases are identified as negligible or minor adverse. Mitigation measures have been

identified to ensure that effects are reduced. It is proposed that a programme of archaeological work will be carried out prior to the start of construction to record any archaeological features from within the site. Temporary alterations to the settings of the identified designated built heritage assets during the construction phase, can be mitigated through appropriate fencing and screening around the site, together with appropriate controls on working hours. It is anticipated that mitigation during the construction phase would also include appropriate traffic management measures. No archaeological mitigation will be required once the proposed development is occupied. The assessment concludes that the impact of the proposed development would represent less than substantial harm to the setting and significance of the Barkby and Barkby Thorpe Conservation Area and the settings and significance of the Grade II Listed 32 Main Street and its barn. The impacts on other built heritage assets would be negligible.

- Cumulative Impact.

This assessment considered the relationship between effects arising from the proposed development and any additional impacts not previously identified. It also considers the impact of development alongside other schemes or proposals in the surrounding area and the ability of the applicant to mitigate any such effects for those other sites. It concludes that the relationships between the effects identified on site do result in a need for additional mitigation measures beyond those currently proposed in relation to the development. There are no cumulative effects arising from the development when considered together with other developments in the surrounding area.

## **Development Plan Policies and other material considerations**

The development plan currently consists of the saved policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies document and the Leicestershire Waste Core Strategy and Development Control Policies document (both 2009). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) requires planning decisions to be taken in accordance with the development plan unless material considerations indicate otherwise.

The Borough of Charnwood Local Plan was adopted 12 January 2004. The Development Plan is dated in several areas although 'due weight' can be given to those policies that are consistent with the National Planning Policy Framework. The policies that are relevant to this proposal include:

Policy ST/1 - Overall Strategy for Charnwood: This policy sets the overall framework for development, in the Borough, ensuring that needs of the community are met, and that features of the natural and built environment are protected and safeguarded where necessary. The policy aims to improve the quality of development through the layout of sites. This is all to be done in an environment of

trying to achieve sustainable development in a co-ordinated, comprehensive and consistent basis.

Policy ST/2 - Limits to Development: This policy seeks to restrict development to within the existing Limits to Development boundaries of existing settlements to ensure that development needs can be met without harm to the countryside or other rural interests.

Policy ST/3 – Infrastructure: This policy seeks to ensure that developers provide financial contributions where development would have an impact on related infrastructure or community facilities. These are to be negotiated through legal agreements.

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

Policy EV/8 - Buildings of Local Historic or Architectural Interest: This policy requires development which would affect a building of local importance to safeguard its appearance or character and result in significant local community or environmental benefits to the community.

Policy EV/20 - Landscaping in New Development: This policy seeks to ensure that a high standard of landscaping is provided on all new development sites, particularly where these are in areas adjacent to countryside, or principle transport corridors. Locally native species will be sought.

Policy EV/22 – Sites of Regional, County and District Level Ecological or Geological Importance: This policy seeks to prevent development which could adversely affect Regionally, County or District sites of ecological and geological interest unless an overriding strategic need is identified.

Policy EV/29 – Watercourses: This policy seeks to ensure that access to watercourses is maintained by ensuring that development is no nearer than 8m from the top of the bank.

Policy EV/31 - Sewage Disposal Capacity: This policy seeks to prevent development where existing sewage facilities are at capacity unless new facilities are provided that are operational prior to occupation.

Policy EV/39 - Development and Pollution: This policy restricts development where it would result in serious risk to health, or general amenities of nearby residents due to its operation. Appropriate measures should be agreed to overcome potential problems.

Policy EV/40 - Light Pollution: This policy seeks to grant permission for lighting installations where it is the minimum required for working or security purposes, that pollution from glare or spillage is minimised, particularly in sensitive areas or to residential properties, where there would not be a distraction to drivers, and where the visual impact on the lights are minimised.

Policy H/5 - Affordable Housing on Unallocated Sites: This policy seeks to secure the provision of the appropriate amount of affordable housing with a range of house types on windfall sites.

Policy H/9 - Assessment of Gypsy Site Proposals: This policy gives criteria when the determining planning applications to provide sites for Gypsies. It includes the following criteria:

- a necessity is clearly demonstrated to the satisfaction of the Borough Council for a specific scale and type of accommodation;
- the proposed scheme is in a location and of a form sympathetic to the character and appearance of the surrounding area;
- the site has safe and convenient access to the main road network; adequate screening and landscaping can be provided to avoid visual intrusion;
- the site is within reasonable travelling distance of schools, shops and other community activities; the proposed layout makes provision, where appropriate, for mixed residential and business uses.

Policy H/10 Assessment of Travelling Show people site proposals: This policy gives criteria when the determining planning applications to provide sites for travelling show people. It includes the following criteria: any storage, maintenance or other non-residential elements would not significantly harm the amenities enjoyed by neighbouring properties or other uses; site must have safe and convenient access to the main road network; adequate screening and landscaping must be provided to avoid visual intrusion; the site must be readily accessible to schools, shops and other community facilities.

Policy H/16 - Design and Layout of New Housing Developments: This policy seeks to ensure that proposed housing developments are planned to ensure that high standards of design are achieved in terms of scale, character of the area, privacy, landscaping and creating a safe and secure environment.

Policy CT/1 - General Principles for Areas of Countryside, Green Wedge and Local Separation: This policy sets out the criteria against which to assess proposals for development within a Countryside location. This is limited to small scale developments and re-use and adaptation of rural buildings for uses suitable in scale and nature. The exceptions are agricultural or forestry proposals, facilitation of the rural economy, improving recreational facilities, and implementing strategically important schemes.

Policy CT/2 - Development in the Countryside: This policy seeks to ensure that developments that are acceptable in principle do not harm the character and appearance of the countryside and safeguard its amenity interests.

Policy CT/3 – Development in Green Wedges: sets out the criteria against proposals for development within a Green Wedge to ensure that development would protect the predominantly open and undeveloped character of the area, maintain the separation between settlements, maintain or enhance public access and secure landscape improvements.

Policy CT/7 – designates Areas of Particularly Attractive Countryside and states that planning permission will be granted for uses where the proposal would not detract from the essentially undeveloped rural character of the landscape, damage natural features and landform or diminish the visual amenities afforded by important viewpoints. Where development is acceptable in principle it will be expected to maintain or enhance the character and appearance of the landscape.

Policy E/8 – Safeguarding Employment Land and Buildings: This policy seeks to safeguard employment sites but gives criteria when alternative proposals may be appropriate.

Policy TR/1 - Specified Road Network: This policy seeks to ensure that development is not granted which results in serious congestion on the main traffic routes through the Borough, or otherwise prejudice the ability to provide for safe and efficient movement of traffic.

Policy TR/5 - Transport Standards for New Development: This policy seeks to ensure that major proposals for housing employment or other uses within an urban location are well served by public transport and within 400m of a potential bus route. Opportunity should be sought to improve cycling facilities where possible.

Policy TR/6 -Traffic Generation from New Development: This policy seeks to restrict development which through its impact results in an unsatisfactory operation of the highway system, or has a significant impact on the environment, unless measures are proposed to overcome any harmful effects. In all cases measures should help to reduce car dependence and usage.

Policy TR/13 Access for Cyclists and Pedestrians: This policy seeks to secure improvements and access for pedestrians and cyclists in development proposals and seek to secure off site contributions to improve the network where this is practical and necessary.

Policy TR/16 - Traffic Calming: This policy seeks to ensure a development includes measures to reduce traffic speeds, to assist in a higher quality of life and safer living and working environments, and to address traffic congestion, creating safer conditions for cyclists and pedestrians, and access to public transport.

Policy TR/17 - Traffic Impact on Rural Roads: This policy seeks to restrict development where it would result in a significant change in the amount of traffic using rural roads and it would endanger the safety of vulnerable users, or harm the character of rural roads.

Policy TR/18 - Parking in New Development: This policy seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

Policy RT/3 – requires the provision of equipped play areas for children on the basis of associated standards

Policy RT/4 - requires provision of appropriate recreational facilities.

Policy RT/5 - requires suitably landscaped areas of amenity open space.

Policy RT/12 - Structural Open Space Provision in New Development: This policy sets out a requirement for the provision of the above to ensure that development is compatible in the wider landscape.

The Leicestershire Minerals Development Framework Core Strategy sets out the policies and proposals for the development and use of land for minerals within the framework area. It sets the key principles to guide the future of winning and working minerals in the County. Policies MCS10 and MDC 8 are particularly relevant to this proposal with regard to the safeguarding of mineral resources.

### **National Planning Policy Framework (March 2012)**

Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is an important material consideration in the determination of applications.

The Government expects the planning system to deliver homes, industry and thriving places whilst protecting and enhancing the natural environment. Planning has a key role for securing a sustainable future and should operate to encourage growth. The Framework sets a presumption in favour of sustainable development and says that local planning authorities should approve applications that accord with development plans or where the plan is absent, outdated, silent or indeterminate, unless adverse impacts significantly and demonstrably outweigh the benefits or specific policies indicate development should be restricted.

The Framework confirms the intention for the planning system to be plan led, proactively drive development and sets an assumption that development should be permitted without delay unless it compromises key sustainability principles.

Housing, business and other development needs should be identified and local authorities should seek to meet those needs. A high standard of design and good standard of amenity for all existing and future occupants of land and building should be sought. The planning system should take account of different areas protecting the vitality of main towns and recognise the intrinsic character of the countryside and supporting thriving rural communities.

Heritage and environmental assets should be protected as appropriate having regard to their significance so that they can be enjoyed for future generations. Effective use should be made of land and mixed developments that create more vibrant places promoted.

### Economy

Significant weight should be attached to the need to support economic growth. Planning should contribute to building a strong and competitive economy by ensuring land is available in the right places.

### Transport

Patterns of growth should be actively managed to make fullest use of public transport, walking and cycling and focus significant developments in locations which are or can be made accessible where people have a choice of sustainable transport modes.

All developments generating a significant amount of movement should be supported with a Transport Statement or Assessment. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

### Housing

The Framework says that housing needs should be identified and met, unless there are adverse impacts of doing so. The framework seeks to boost significantly the supply of housing and requires local authorities to maintain a supply of land sufficient to deliver a 5 year supply of homes plus an additional 5% to ensure choice and competition. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving planned supply. Affordable housing need should be met on site unless off site provision or a broadly equivalent financial contribution is robustly justified and can contribute to achieving mixed and balanced communities.

To deliver sites and a wide choice of high quality homes, local planning authorities should plan for a mix of housing and tenures reflecting local demand. The supply of new homes can sometimes best be met through planning for larger scale development such as standalone settlements or extensions to existing villages and towns that follow the principles of Garden Cities.

## Design

The Government's aim is to promote high quality and inclusive design, contribute positively to making places better for people and address the connections between people and places and the integration of new development into the natural, built and historic environment. Planning permission should be refused for poor design that fails to take opportunities for improving the character and quality of an area and the way it functions.

## Communities

The Government's objective is to create strong vibrant and healthy communities by creating a good quality built environment that facilitates social interaction and inclusive communities. To deliver service needs, decisions should plan for provision and integration of community facilities to enhance sustainable communities and residential environments, safeguard against the loss of valued facilities, ensure shops and facilities modernise in a sustainable way, and ensure housing is developed in sustainable locations which offer a range of community facilities and good access to services. Local planning authorities should take a positive approach to planning for schools and their needs.

Access to good quality open spaces for sport and recreation can make an important contribution to health and well being. Planning should identify specific needs and use information to set standards to meet deficiencies.

## Natural Environment

Planning should contribute to conserving and enhancing the natural environment, recognise the intrinsic character and beauty of the countryside and should aim to protect valued landscapes, minimise impacts on biodiversity, provide net gains in biodiversity where possible and prevent new development from being at risk from pollution.

## Flooding

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk. Development should not be permitted if there are reasonably available sites in a lower flood risk. The policy notes the need to minimise vulnerability and provide resilience to impacts arising from climate change.

When determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. They should only consider development to be appropriate in areas at risk of flooding where there are no sequentially better sites and an exception test demonstrates that the most vulnerable aspect of the development is located in areas of lowest flood risk within the site.

## Best and Most Versatile Land

Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development is demonstrated to be necessary the use of poorer quality land should be sought in preference to that of higher quality.

### Pollution

To prevent unacceptable risks from pollution and land instability, planning decisions should ensure new development is appropriate for its location. The effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

### Historic Environment

The historic environment and its assets should be conserved in a manner appropriate to their significance. Local planning authorities should take into account the desirability of new developments making a positive contribution to local character and the wider benefits conservation can bring. Applicants are required to describe the significance of assets affected including the contribution made by their setting in a manner proportionate to the assets importance. This may take the form of a desk based assessments or a field evaluation if necessary. This information should be used by local planning authorities to consider the impact of development on a heritage asset and to avoid or minimise conflict between conservation and the proposal.

When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. 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, including securing its optimum viable use.

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.

### Retail

Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.
- Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

### Decision Making

Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. Local planning authorities should apply the presumption in favour of sustainable development.

From the day of publication, decision takers may also give weight to relevant policies in the emerging Core Strategy according to:

- The stage of preparation of the plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging core strategy to the policies in the NPPF (the closer the policies in the emerging core strategy to the policies in the NPPF, the greater the weight that may be given)

### **Charnwood Local Plan 2006-2028 Core Strategy**

The Charnwood Local Plan Core Strategy was published in June 2013 and has been submitted to the Secretary of State and is currently the subject of an examination. The examination is scheduled to be re-opened in December 2014 and concluded in January 2015. Whilst it is not yet part of the Development Plan for Charnwood it sets out the most up-to-date expression of Council policy, having been approved for submission by the Council following widespread consultation. Decision takers may give weight to relevant policies in the Core Strategy depending on the extent and significance of unresolved objections to a particular policy and the degree of consistency with the NPPF.

Policy CS1 – Development Strategy sets out the development strategy for both the Leicester PUA (Principal Urban Area) and Loughborough/Shepshed and identifies sustainable urban extensions and directions of growth to meet the need for growth. The policy also makes provision for up to 6 hectares of employment land adjoining Loughborough/Shepshed and houses and employment within and adjoining Service Centres, with the majority of the need for homes having been provided through recent permissions. A small amount of housing is to be provided within smaller settlements. Development in very small villages and hamlets will only be approved where it meets specific local social or economic need identified by the community in an appropriate plan.

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 sets out affordable housing requirements and an appropriate mix of types, tenures and sizes of home. For developments at Loughborough, including the sustainable urban extension (including North East of Leicester) and Direction of Growth areas, the policy seeks 30% on sites of 10 dwellings or more.

Policy CS5 - Gypsies, Travellers and Travelling Show people states that the needs of the Gypsy and Traveller Community will be met by:

- requiring a site for four permanent pitches at each allocated sustainable urban extension in accordance with Policies CS19 and CS22;
- requiring a site for four show people plots at each of our strategic housing developments;
- allocating one or more sites for up to 10 transit pitches in total in the Site Allocations and Development Management Development Plan Document; and
- supporting sites for Gypsies, Travellers and Travelling Show people that are closely related to a town or village, are appropriate in scale, relate well to local infrastructure and services including safe and convenient access to the road network and do not cause significant detrimental impact to the existing community.

Policy CS6 - Employment and Economic Development sets out the strategic employment requirements for the Borough and promotes business and employment regeneration opportunities that are accessible to the Priority Neighbourhoods. The policy also supports major employment opportunities in locations where they reduce journeys to work by car.

Policy CS 11 - Landscape and Countryside provides support and protection for the character of Charnwood's landscape and countryside. New development should reinforce sense of place and local distinctiveness by taking account of landscape character assessments and should maintain separate identities of our towns and villages. Rural economic development will be supported where there are strong relationships with operational requirements of appropriate rural businesses. Rural local need housing will be supported along with community services and facilities that meet proven local need identified by the community in an appropriate plan.

Policy CS12 – Green Infrastructure protects and enhances green infrastructure assets, and supports proposals that relate to the River Soar which protect and enhance water bodies and resources.

Policy CS13 - Biodiversity and Geodiversity supports development that protects biodiversity and geodiversity, requiring development to take account of the impacts particularly with regard to important sites. Development which results in the loss of these features will only be supported in exceptional circumstances where benefits clearly outweigh harm. Adequate mitigation or, as a last resort, compensation will be required where there are impacts.

Policy CS14 - Heritage requires development to protect heritage assets and their setting. The policy supports development which is informed by, and reflects Landscape Character Assessments and where the development incorporates Charnwood's distinctive local materials and architectural details.

Policy CS15 - Open Spaces Sports and Recreation requires new development to meet the standards set out in our Open Space Strategy and to provide for long term management and investment plans for existing and new facilities.

Policy CS16 - Sustainable Construction and Energy encourages sustainable design and construction including measures that reduce the need for energy and secure residual need for energy through low carbon or renewable sources to exceed Building Regulations for carbon emissions. Design and Access Statements for major developments are required to demonstrate how the need to reduce emissions has influenced the design, layout and energy source used. The policy directs development to locations within the Borough at the lowest risk of flooding by applying the Sequential Test and, if necessary, the Exceptions Test. Developments that take the opportunity to reduce flood risk elsewhere are supported and there is also a requirement to manage surface water run off so there is no net increase from that for Greenfield sites. The policy supports development which protects environmental resources including local air quality and the most versatile agricultural land.

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 CS19 – North East of Leicester Sustainable Urban Extension  
Allocates land to north east of Leicester as a sustainable urban extension to deliver a community of approximately 4,500 homes to make a significant contribution to meeting housing needs by delivering at least 3,750 homes by 2028 and the remaining homes beyond the plan period.

The sustainable urban extension will create a balanced community and a safe, high quality and accessible environment, by:

### Housing

- Seeking 30% affordable homes to meet local needs in accordance with Policy CS3;
- Seeking a range of tenures, types and sizes of homes in accordance with Policy CS3;
- Supporting extra care housing where it meets the needs of our ageing population in accordance with Policy CS3; and
- Requiring a permanent site for gypsies and travellers of at least 4 pitches and a site of 4 plots for show people in accordance with Policy CS5.

### Employment

- Providing up to 13 hectares of employment land to help meet our strategic and local employment needs in accordance with Policy CS6.

### Community Facilities

- Providing three primary schools and one secondary school, as appropriate to meet the need for school places, as focal points for the new community, in locations that are accessible to both the new and existing communities;
- Providing one main accessible Local Centre delivered as part of an early phase of development that is accessible to both new and existing communities;
- including as a minimum, local shops and a supermarket (up to 1,000m<sup>2</sup> net), small scale employment and arrange of non-retail and community facilities and services in accordance with Policy CS9;
- Including opportunities, where appropriate, for additional smaller centres where they complement the main centre, are well related to a school and meet community needs in accordance with Policy CS9; and
- Supporting the provision of excellent electronic communications networks for all homes and businesses in accordance with Policy CS 10.

### Transport

- Requiring well connected street patterns and walkable neighbourhoods that provide high quality, safe and direct walking, cycling and public transport routes in accordance with Policy CS17;
- Requiring the retention of existing walking, cycling and road connections with Thurmaston and where possible the creation of new links in accordance with Policy CS17;
- Requiring a comprehensive package of transport improvements in accordance with Policies CS17 and CS18 and including:
  - new and improved cycling and walking routes, well related to the green infrastructure network, connecting to existing and new employment areas and centres, Syston train station and Thurmaston Waterfront;
  - new and enhanced bus services connecting both the western part of the development and eastern part with local employment opportunities and Syston, Thurmaston and Leicester City Centre, as identified through a Transport Assessment;
  - a new main road through the development from Barkby Thorpe Lane at the north to Sandhills Avenue at the south, performing the function of a high street where it passes through the new main centre;
  - appropriate capacity improvements to Barkby Thorpe Lane and the A607/Barkby Thorpe Lane roundabout and if necessary a new road link from the development to Melton Road and the A607; and
  - other network improvements as identified by an appropriate Transport Assessment.

## Environment

- Protecting the separate identities of Syston, Barkby and Barkby Thorpe and their Conservation Areas;
- Responding to the landscape and surrounding areas to create a locally distinctive development in accordance with Policies CS2 and CS11;
- Protecting historic and archaeological features including the setting of Hamilton Deserted Medieval Village and the Roman Villa in accordance with Policy CS14;
- Protecting and enhancing existing wildlife corridors and, where appropriate, provide new corridors to create a coherent biodiversity network in accordance with Policy CS13;
- Encouraging the development to, where viable, exceed Building Regulations for carbon emissions in accordance with Policy CS16;
- Delivering buildings and spaces that have been designed to be adaptable to future climatic conditions including extremes of temperature, drought and flooding in accordance with Policy CS16;
- Requiring development that provides appropriate Sustainable Drainage Systems and flood alleviation measures and where possible reduces flood risk in Thurmaston, Syston and Barkby in accordance with Policy CS16;
- Protecting and enhancing water quality;
- Providing an extension of the Leicester Hamilton Green Wedge including access to and long term management of a formal parkland as part of an accessible, comprehensive and high quality network of multi-functional green spaces in accordance with our open space standards in accordance with Policies CS15 and CS12. The package of green space should include:
  - parks totalling around 3.6 hectares;
  - around 23 hectares of natural and semi-natural green space;
  - around 5 hectares of amenity green spaces;
  - around 22 sites providing facilities for children;
  - around 22 sites providing facilities for young people;
  - around 29 hectares of outdoor sports provision including around 13 hectares
    - of playing pitches and around 5 tennis courts;
    - around 4 indoor courts; and
    - around 4 hectares of allotments.

We will do this by working with our public and private sector partners and will require the following to support a planning application:

- a Development Framework including delivery and phasing arrangements and a masterplan informed by an independent Design Review Panel and community consultation including key design principles to ensure the development of a comprehensive sustainable urban extension;
- a Green Infrastructure Strategy to inform the development of detailed proposals and long term management; and
- a Sustainability Assessment that identifies the developments response to carbon emissions reduction and climate change resilience.

Before outline planning permission is granted, we will require a development brief, design code or equivalent to be prepared to inform detailed planning applications or reserved matters applications.

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

Encourages and provides guidance on achieving high quality design in new development. It indicates that the Council will approach its judgements on the design of new development against five main principles, places for people, accessible places, safe places, sustainable places, and distinctive places.

### **Section 106 Developer Contributions Supplementary Planning Document (2007)**

This sets out the details of which types of development meet the threshold for community infrastructure contributions for provision on-site and off-site considered necessary as a result of the development. The Supplementary Planning Document (SPD) sets out the Borough Council's proposals for securing planning obligations prior to and during the processing of planning applications and monitoring of obligations following permission.

### **Open Spaces Strategy 2013**

This document takes account of evidence and standards in the Open Space Sports and Recreation Study (2010) and sets out how deficiencies will be addressed. This provides for the management of new and existing open spaces and sets standards for provision of open space for the Core Strategy and the ambitious housing growth agenda. The framework includes a set of policy statements and standards to guide the Council in its decision making process.

### **Leicestershire County Council Local Transport Plan 3 (LTP3) 2011-2016**

This sets out the strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality. The goals are to support a prosperous economy and to provide for population growth through a successful transport system that reduces carbon footprint, has an accessible and integrated transport system, improves safety for residents and improves quality of life. The focus is on encouraging more people to walk and cycle, as a way to address congestion issues, and improve the health of residents and improve information about existing services and facilities to promote equality of opportunity. The negative impacts of lorry movements on the quality of life in local communities will need to be managed. This is particularly relevant on key routes entering into urban areas and passing through rural settlements.

Efforts will be focused on making the best use of the existing transport system seeking to limit the need to travel and minimising the potential transportation impacts of population growth of the efficient and reliable operation of the transport system. The LTP

promotes and supports land use policies that provide people with local opportunities to access jobs where there is local need, and provides input to master planning of new developments to ensure they include a range of facilities and services including employment opportunities. Large new developments should be designed from the outset to provide genuine high quality choices, safe facilities to encourage walking and cycling and appropriate public transport access/use. Through the planning system the County Council will resist proposals which do not achieve the aims of the LTP.

### **Design Council Building for Life 12**

This sets 12 criteria to assess the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.

### **The Setting of Heritage Assets**

Guidance provided by English Heritage and intended to provide the basis for advice on making consistent and objective judgements about the contribution of setting to the significance of heritage assets and the implications of change. It defines setting and relationship to character context and curtilage, noting that the setting of a building will often extend beyond its curtilage and that the character of a historic place is the sum of all its attributes.

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

Local planning authorities shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable weight should be attached to any harm to these heritage assets or their setting.

### **Planning for Growth (Ministerial Statement 2011)**

This emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.

### **The CIL Regulations 2010 (As amended)**

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:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

### **National Planning Practice Guidance (March 2014)**

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.

In relation to prematurity, the practice guidance sets out the limited circumstances in which local authorities may refuse applications where a Local Plan is at an advanced stage and it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

The Practice Guidance provides additional guidance to local planning authorities to ensure the effective implementation of the planning policy set out in the NPPF on development in areas at risk of flooding, the overall aim being to steer new development to flood zone 1, using the Sequential Test. A site specific FRA will be required for

development depending on size and its location within a flood zone to assess the risk from flooding for a development. Any residual risks should be safely managed. Flood resistance and resilience measures should not be used to justify development in inappropriate locations.

The guidance states that designing out crime is central to the planning and delivery of new development. Crime reduction measures should be based on a clear understanding of the local situation to avoid problems and causes of crime.

The guidance also sets out relevant guidance on aspects of 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 above.

### **Relevant Planning History**

The notion of a sustainable urban extension in this location has been considered and tested through a previous plan making process involving sustainability appraisal, extensive public consultation and subject to examination in public. The now revoked East Midlands Regional Plan (2009) identified a requirement for a 4,875 home sustainable urban extension within or adjoining the Charnwood part of the Leicester Principal Urban Area (PUA) in Policy Three Cities SRS 3.

An application for outline permission for up to 150 dwellings (P/13/1716/2) within part of this site has been submitted by David Wilson Homes. It has been the subject of judicial review proceedings regarding a screening direction given by the Secretary of State. Those proceedings have been dismissed in the High Court but may be subject to an appeal. The planning application has not yet been determined.

A separate application has also been submitted for 346 houses by Bellway Homes on the agricultural land between Thurmaston and Syston, off Barkby Thorpe Road. This is a detailed application and includes proposed green space on land required for the proposed urban extension north-western link road.

### **Responses of Consultees**

#### Leicester City Council

The housing strategy for the Leicester and Leicestershire Housing Market Area focuses growth within the Principal Urban Area of Leicester. A key part of the delivery of new homes over the next 20 years or so will be the development of Sustainable Urban Extensions to the Principal Urban Area.

Planning permission has been granted for significant SUEs at Lubbethorpe in Blaby District, and at Ashton Green within the City. The area to the north east of Leicester has been identified by the Principal Urban Area local authorities through the regional plan

process, and the emerging Charnwood Core Strategy, as a sustainable location for a further SUE to meet the housing needs of the Principal Urban Area and wider Housing Market Area.

The adopted Leicester City Core Strategy identified the location to the north east of the city as an 'area of search for an SUE outside the city boundary'. The principle of the development proposed through this application is therefore accepted and supported by the city. However it has a number of comments to make on the details of the proposal.

- Highways

The location on the fringes of the Principal Urban Area means that the proposed development is in a sustainable location in terms of providing access to the local highway and transportation network towards Leicester City Centre, and the surrounding area. There are no Highway objections in principle to the development, subject to the agreement and provision of mitigation measures identified through the work on the Transport Assessment and Framework Travel Plan submitted in support of the application. The full Highways observations are attached as an appendix to the consultation response letter. This sets out the mitigation required for the City and what should be conditioned or agreed via a section 106 agreement as part of any planning consent.

- Retail

The proposed retail uses, including a new food store, are to primarily serve the SUE itself and should therefore have limited impact on other retail centres. Evidence supporting the proposal indicates there will be some trade diversion on nearby food stores including Asda Thurmaston, Tesco Hamilton and the new Sainsbury's store on Melton Road. These are not considered to be significant. Although a higher level of retail provision is proposed in the application than Charnwood's Draft Core Strategy supports, the level of trade diversion and retail impacts identified are such that they are not anticipated to cause a significant adverse impact on centres within the City. The additional population within the SUE will help to offset the impacts.

- Ecology

Some assurance needs to be given as to the appropriate level of mitigation and compensation that will be provided to ensure that species and their associated habitats are retained and incorporated into development proposals where possible, or new habitat areas are created, as compensation or enhancements made to existing areas. It is recommended that areas of creation and enhancement should be identified and created as a pre-commencement to development and that a green infrastructure plan is required to ensure appropriate green space and Sustainable Urban Drainage systems are incorporated into the scheme using a phased approach.

- Design and layout

The City Council have raised a number of issues regarding the design of the proposal with the applicant and officers at Charnwood Borough Council, in particular with regards the connectivity of the SUE with the surrounding existing communities in terms of increasing access into points into Thurmaston. It is hoped that these comments have broadly been taken into account.

The City Council welcomes clarification on the size and character and most importantly on the area and degree of public accessibility within the proposed green wedge that extends from Hamilton Country Park northwards up to Syston and which also serves to create a buffer between the SUE and Barkby.

- Developer Contributions and Planning Conditions

Any permission must secure the necessary facilities (in particular education and healthcare) to meet the needs of the future population of the SUE, to ensure there is no strain or adverse impact on the provision of services and facilities in the city. Phasing and the use of trigger points in conditions will be important to ensure that these services and facilities are provided at the appropriate stages of the development.

The principle of the SUE is supported and it is recognised that it will play a significant role in meeting the housing requirements of Charnwood and the wider Housing Market Area. This is however, on the basis that any potential impacts on the city are adequately mitigated through the use of suitable planning conditions and/or planning obligations. In particular all the matters set out in the city highway authority's comments, be addressed; and that connections to links to be provided on adjacent green space within the city to the wider SUE are secured.

We would expect any needs for new facilities and infrastructure, such as schools and healthcare facilities, to be provided by the development, to avoid pressure on existing facilities in the city.

### The Highways Agency

The Highways Agency originally placed a holding objection on the application with concern regarding the robustness of the interim Transport Assessment in terms of impact on the strategic road network. However the Highways Agency has reviewed the application and the evidence in submitted documents and has concluded that the proposed development is not expected to have a material impact on the closest strategic route, the A46. Therefore the Highways Agency has no objections to the proposal.

### Leicestershire County Council - Highway Authority

The Highway Authority emphasises the importance of using the correct evidence base upon which to make decisions. It considers that the application of the strategic land-use and transport planning modelling tool (LLITM) supplemented by appropriate junction modelling programmes provides the best approach in accordance with paragraph 158 of the NPPF.

The results of the modelling work indicate that the North East of Leicester SUE will generate approximately 25,000 daily trips, of these almost 4,500 will be in the AM/PM peak hours. The distribution of these trips onto the network is such that nearly 80 per cent will be into Leicester City and Charnwood. The trip rates and distribution provided by the LLITM are considered sound.

The proposals incorporate a number of traffic management measures which seek to discourage development traffic using sensitive routes to the east of the SUE. These measures include the following:

- Closure of a section of Barkby Thorpe Road and its diversion through the proposed new development.
- Diversion of Hamilton Lane through the development.
- 20mph speed limit on the Spine Road through a section fronting the proposed District Centre.
- Gateway features (narrowing to single lane) at each end of Barkby and Barkby Thorpe villages, where not already provided, and at the northern end of Scraftoft
- Speed limit reductions on roads between the SUE and Barkby Thorpe
- Capacity restraints on movements to/from Barkby Thorpe east and south of Spine Road.

As the planning application is predominantly in outline, the internal layout of the development will be subject to reserved matters applications and include residential road layout, internal/external connections for pedestrians and cyclists, parking provision, public transport infrastructure and the detailed design of the spine road.

It is anticipated that the SUE will be constructed over a period of 15-20 years, at an average build out rate of 200-300 dwellings per year. The phasing information submitted with the application suggests that the development will commence at the southern end of site around Barkby Thorpe Road and spread north as each section of the spine road is complete. The precise details need to be agreed in a Phasing Programme.

The early phases of the development will be focussed in the southern part of the site within or close to the boundary with Leicester City, it is unlikely that significant transport impacts will be encountered on the County road network until the later phases.

The approach of utilising the existing road network to serve the early phases of development whilst the spine road is constructed is considered logical. The Highway Authority consider that the connections through to Colby Road and Colby Drive should be brought forward at an early stage to ensure that the development is not seen as a separate and remote entity but more like a natural extension to east Thurmaston.

Creating permeability will also enable the re-routing of bus services through the development and onto Barkby Thorpe Road to the benefit of existing residential areas in east Thurmaston which currently lack such provision. Decisions about opening up Colby Road as a more formal access route will need to be taken in accordance with Phasing & Review Programme and underpinned by an appropriate evidence base. Whilst it might be desirable to enable access to the spine road from Colby Road, this might also encourage rat-running through the residential streets of Thurmaston. As such, it is likely that there would need to be a trial to see what the wider effects would be.

There is also recognition amongst all parties that the spine road should be completed as soon as possible so as to shorten the potential impacts on a number of existing routes around north Thurmaston and Barkby/Barkby Thorpe. This issue has been raised a number of times in response to the consultation carried out by the developer and Charnwood with a suggestion the County Highway Authority should insist on the spine road being completed at the outset. The proposed phasing will be dictated by viability considerations given that sufficient capital will need to be accumulated before major items of infrastructure can be delivered. Whilst it is desirable on a number of levels to bring forward the completion of the spine road at the earliest possible date, making this a conditional requirement could only be justified if it could be demonstrated that the impact of the development without it would amount to a severe outcome for the highway network that could not be mitigated in any other way. Notwithstanding this, the Highway Authority, as it has done with other SUE's in the County, will seek to secure funding, where there is a clear benefit in doing so, that would enable infrastructure to be delivered earlier than would otherwise be the case.

#### 1) Assessment Methodology

The application and use of suitable transport models can be useful in providing a consistent approach to forecasting the future and informing the decision making process. Transport models are forecasting tools that use mathematical relationships to estimate future transport behaviour. They range from detailed, more localised models such as junction software packages through to more strategic models used to assess area-wide impacts.

However a strategic transport model such as Leicester & Leicestershire Integrated Transport Model whilst able to identify the area-wide impacts of large development proposals, is not adept at uncovering more localised impacts, for which junction modelling is required. Consequently in order to gain a complete understanding of the impact of a proposal, such as the SUE, it is necessary to utilise a combination of two or more different models in fulfilling a complete assessment.

The impacts and interactions associated with land-use proposals of this size are complex. Furthermore, large developments such as this are likely to take a considerable amount of time to deliver. It therefore follows that any assessment

of travel patterns which is based upon old data or incompatible reference sites will be largely unfit for assessment. It is therefore necessary to use a land-use planning and transportation model such as the LLITM which offers a considerably greater level of sophistication than traditional assessment techniques and is regularly updated to include all known growth in the region and has been specifically designed to undertake such work.

The LLITM is intended to provide land-use and transport forecasts to support planning decisions across a range of activities, from strategic policy to the appraisal of specific schemes and providing an assessment of the transport impacts of individual developments. Such future forecasts reflect changes in land-use, infrastructure, economic assumptions and transport policies. The model is based on data drawn from traffic counts, roadside interviews, public transport surveys, a household survey, planning & census data and other economic parameters/future predictions. Collectively these provide a picture of how, when and why travel is made today across Leicestershire and beyond. This, taken together with a description of the highway and public transport networks, is used to establish travel conditions.

The outputs of the LLITM modelling are produced in various formats relating to a development and include the future year origin, destination and mode of travel by purpose, resultant traffic flow and associated junction capacity outputs and journey time data. The essential outputs of the model are summarised below:

- Demographic make-up of new development
- Where people will travel, when they will travel and for what purpose
- What mode of travel they will adopt
- Changes caused by housing or employment growth
- Traffic volumes, queue lengths and journey time
- Future year congestion on the road network
- Future demand for public transport, walking and cycling

The Highway Authority consider the use of the LLITM provides the best opportunity to assess the development proposals as they stand and undertake testing of the effectiveness of potential supporting infrastructure. The need for detailed outputs is particularly important, not just in terms of testing physical solutions, but also in relation to travel plan and smarter choice measures and the derivation and targeting of modal shares.

The LLITM has been constructed in compliance with the Department for Transport's 'Transport Analysis Guidance standards' and is continually updated and maintained to ensure accuracy. It has been successfully used for amongst other things the following:

- the Loughborough Inner Relief Road scheme,
- two Local Sustainable Transport Fund bids

- Bids from the Department for Transport and the Hinckley and Bosworth Area Action Plan.

Version 5 of the LLITM became available in October 2013 and the outputs from it have been used to inform the Final Transport Assessment submitted by the applicant at the beginning of August 2014. This work supersedes the Interim TA which was predicated on LLITM data from Version 2.

As with any type of traffic model, it is important to recognise that the LLITM, as an integrated land-use model, has its limitations and cannot provide a complete picture of how a development will affect the road network. LLITM is essentially a strategic model used to forecast the impact of an intervention over the wider area. However, when looking at elements such as detailed junction design, for example, the use of the LLITM must be supplemented by other methods in order to provide a robust assessment of the proposed development.

Validation is the process of comparing model outputs against independent data that was not used during the calibration process. The purpose of validation is to verify that a model has been correctly calibrated and is therefore capable of producing valid predictions for the proposed scenarios. Much work was carried out at the pre-application stage to ensure that the model validated within the area of influence - in other words that it was fit for purpose. This work culminated in the submission of a Local Model Validation Report. This concluded that the LLITM v.5 meets required standards and performed well in the north-east of Leicester and consequently no further validation work was required. The Transport Working Group was satisfied that the LLITM accurately reflects observed traffic conditions in the local area and thus provided an appropriate benchmark against which the future year scenarios could be tested.

## 2) Modelling Outcomes

Unlike the Interim Transport Assessment, the trip generation for the SUE development has been calculated by the LLITM. Although the total number of forecast trips is lower than those in the Interim Transport Assessment, the Highway Authority is satisfied that the revised trip rates are robust for the following reasons:

- The previous figures disregarded the effects of those vehicular trips which stay within the site. It is a reasonable assertion that a proportion of vehicular trips generated by the development will not use the existing highway network for example, residential to employment journeys, parents dropping children at school, retail trips etc.
- The revised trip rates also take account of the benefits of the sustainable travel initiatives.

The forecast peak hour trip rate for the SUE is 0.439 vehicle trip productions per household in the morning peak hour and 0.479 in the evening peak which is within the range used for similar developments around Leicester and Leicestershire. Whilst this rate is expressed as trips per household, it includes trips generated by employment sites within the SUE, so the true household production rate will be lower.

Understanding the distribution of traffic onto the highway network is a key component in any Transport Assessment. It is clear that Leicester City is still the main destination from the SUE over a 24 hour period, closely followed by Charnwood. Traffic is heavily drawn to those employment areas on the periphery of the city where the majority of employment growth is expected to occur in the future. Additionally, a significant proportion of traffic is shown travelling north towards the A46 and M1 Motorway and towards Loughborough, which is another future growth area.

The distribution plots also show that a significant proportion of SUE traffic is opting to use the spine road through the development and the primary road network, particularly the A607, Hobby Horse roundabout & A46, A6 and principle roads on the City's road network. Despite this, there are a number of undesirable impacts such as:

- The routing of traffic between Barkby Thorpe Lane and Troon Way via residential streets in Thurmaston such as Highway Road, Beacon Avenue, Colby Drive and Silverdale Drive;
- The route north via the Fosse Way in Syston is also attractive to development traffic in avoidance of the A607/Hobby Horse/A46 route; and
- Traffic using Hamilton Lane and Scraptoft in preference to the spine road to access the A47 with associated routing via Beeby, Barkby and Queniborough.

The LLITM has also forecast how the distribution of development traffic will affect existing travel patterns, sometimes referred to as 're-routing' or 'redistribution' and is a key part of a development's impact. As the SUE traffic disperses onto the network it will soak up capacity on the network. This results in existing traffic incurring additional delay and as a result, seeks alternative routes in order to maintain previous journey times. Re-routing is responsible for the rat-running that occurs on less appropriate routes. The effects are as follows:

- Significant levels of existing traffic are drawn to the spine road through the site;
- The closure of Hamilton Lane results in a traffic re-routing through Beeby and Barkby although the overall impact on Barkby & Barkby Thorpe remains constant; and
- Re-routing away from Barkbythorpe Road, Barkby Lane, Barkby Thorpe Lane as well as the A607 and A46.

By combining the data the LLITM is able to identify where the impact of the development will be greatest. In a number of locations, the increase due to SUE traffic is offset by decreases caused by re-routing thus resulting in nil detriment. In the case of Hamilton Lane, its proposed closure results in a significant reduction in non-development traffic travelling north/south from Scraftoft, Barkby Thorpe, Barkby and Queniborough and results in the re-assignment of traffic to alternative routes through Scraftoft and Beeby. The route via Beeby is attractive because it offers a more competitive journey time to the A46 and areas to the north than the spine road through the SUE. Whilst the overall volume of traffic passing through Barkby and Barkby Thorpe is not set to increase in this scenario, it is considered that shifting flows from Hamilton Lane to Beeby Road is not an appropriate solution not least because of the location of the primary school on Beeby Road

In addition, it is forecasted that a number of residential routes are likely to be subject to through traffic, which must also be considered in terms of the appropriateness of those routes. This is a particular concern in respect traffic routing north via the Fosse Way through Syston in avoidance of the spine road, A607 and Hobby Horse roundabout. Adverse impacts were also noted on the network in Leicester City particularly in respect of development traffic routing to/from the ring road via Barkby Thorpe Road.

The Highway Authority approach has been focussed on minimising the impact of traffic on the wider area by promoting the use of the primary road network and thus discouraging 'ratrunning' on the more inappropriate routes through Scraftoft, Barkby, Barkby Thorpe and Queniborough. The mitigation measures aimed at resolving these issues as well as improving highway safety and reducing the environment impact of traffic.

The applicant provided an initial Bus Strategy document in October 2013, since then both City and County Council have worked collaboratively with the applicant in reviewing and refining the document.

The Public Transport Strategy proposal for the SUE is based upon:

- Providing new bus services between the site and Leicester City Centre; and
- A new bus service linking to local areas of Thurmaston and Syston, including Syston rail station to be provided in the later phases of the development

The city centre service will start at first occupation with two buses per hour offering a direct limited stop service the frequency will be increased in each phase so that ultimately there will be a bus every 15 minutes. The layout will ensure that each new home on the site is within 400 metres of a bus stop.

It is accepted that during the initial stages of the development, a level of subsidy will be required to encourage the use of a new bus service and so reduce the traffic impact of the development. The level at which subsidy is required however is significantly reduced by the formation of public transport connections that are viable from the outset and that reduce the need to travel by car, providing connectivity for those who require it most. The principle of the strategy set out above is considered by both City and County Public Transport teams to be acceptable and the best approach to ensuring that the new bus services are financially viable within 6/7 years of first occupation.

The delivery of the finally agreed scheme would be secured through planning conditions or by a planning obligation secured by agreement under Section 106 of the Town and Country Planning Act. For the avoidance of doubt, the proposed bus services will need to be funded by the developer until a bus operator is prepared to run them commercially, regardless of whether the revenue estimates in the submitted Bus Strategy have been accurate.

The County Highway Authority is confident that through the Public Transport Strategy together with a robust Framework Travel Plan, the SUE is well located to achieve the 10% level of bus usage recorded for the Thurmaston ward in the 2011 Census. These amendments can be secured through the various planning obligations or planning conditions

In order for the development to proceed there are a number of existing Public Rights of Way and Bridleways that are located within the development site and will require either alteration to their alignment or extinguishment as a result of the development. The process to undertake these changes will need to be confirmed at each Reserved Matters stage. However, this will require an appropriate schedule of orders for the stopping-up and diversion of existing Public Rights of Way and re-classification to or from bridleway, as appropriate.

A particular concern of the Highway Authority has been to ensure that appropriate pedestrian and cycle connectivity is provided between the development and the surrounding areas of Thurmaston, Syston town centre, leisure facilities at Watermead County Park, Leicester City centre and Hamilton as well as to the new employment sites provided within the site and those already existing locally. To this end the Highway Authority is seeking contributions towards improvements to the off-site cycling and pedestrian facilities to be secured as planning obligations through a Section 106 agreement. These comprise the following:

- Scheme 1 - Improvements between the site and Syston Railway Station comprising the formation of cycleways along Melton Road with crossing points as appropriate;
- Scheme 2 - Formation of cycleway from Railway Bridge on Barkby Thorpe Lane to A607 junction;

- Scheme 3 – Surfacing Improvements to PROW J10 & J34 to provide a highway quality pedestrian/cycle link between the site and Eastfield Primary School, shops and services in Thurmaston Village and the recreation and commuter non-motorised routes in Watermead Country Park. Engineering works will be required at both ends of the footbridge;
- Scheme 4 – Improvement of footpath J22 and J25 between Mill Lane and Watermead Park south; and
- Scheme 5 – Cycle/footway improvements to Colby Road and Colby Drive

The following Public Right of Ways which connect the SUE to the surrounding villages will need to be upgraded in terms of signage, structures and surfacing. Contributions will be required for the following:

- Public Footpaths J6 and J7 between Main Street, Barkby and the development site;
- Public Footpath J10 from Queen Street, Barkby Thorpe to the development site;
- Public Footpath J13 from Queen Street, Barkby Thorpe to the development site;
- Public Footpath J14 between Beeby Road, Barkby and the Green Lane; and
- Public Footpath J49 between King Street, Barkby Thorpe and the development site.

### 3) Impact on immediate community areas.

A key consideration is the impact on immediate communities. The following therefore gives the Highway Authority's consideration in some detail. To assess the impact on the highway network at this level, the Transport Assessment utilises a number of junction modelling software packages. The County road Junctions assessed include:

- (J4) Hobby Horse/A46/A607
- (J5) A607/Barkby Thorpe Lane
- (J10) Thorpe Lane/Barkby Thorpe Lane
- (J11) Thorpe Lane/Beeby Rd, Barkby Thorpe
- (J18) A607/Humberstone Lane
- (J20) Main Street/Queenborough Rd, Barkby
- (J29) Barkby Thorpe Lane/ASDA
- (J33) Queen Street/King Street, Barkby Thorpe
- (J37) Melton Road/Barkby Lane, Syston
- (J38) Barkby Lane/Barkby Thorpe Lane
- (J43) Northern Link Road/Melton Road
- (J44) Northern Link Road/A607
- (J99) A47/Station Rd, Scraftoft

The methodology of assessment combines outputs from the LLITM added to real life traffic counts. The methodology is considered robust by the Highway Authority. The key issue to bear in mind when looking at junction modelling results is that there will inevitably be increases in traffic levels over time which are independent of the SUE - this is referred to as 'background growth'. It is an established principle that a developer is not responsible for mitigating background growth as it is unconnected to the proposed development. The developer is, however, responsible for mitigating the traffic impacts arising from the development itself. The task is therefore not to simply look at whether the SUE will cause additional delays or to look at the volume of the traffic generated by the development proposal compared to existing levels. It is to differentiate between the impact of the development traffic as opposed to background growth and to assess the final residual implications for the highway and transport network and establish if these would be severely adverse. To do this, each junction has been modelled 'with' and 'without' the SUE so it is possible to identify the net impact in each case.

#### The impact on Barkby and Barkby Thorpe

There is much concern from the residents of Barkby/Barkby Thorpe regarding the impact of the SUE proposals. These two villages already suffer from high levels of through traffic in the peak periods. The route through the villages comprises a series of priority junctions, a number of which are already at or close to capacity with queuing and delay already commonplace. Given the built form of the two villages, the roads and junctions are constrained geometrically by historical buildings which leave little room to implement any meaningful improvements.

Even if improvements were possible, there would rightly need to be consideration about whether improving capacity along this route would be desirable given that the affect is likely to be counter-productive by attracting yet more vehicles to the route in avoidance of more congested roads. The Highway Authority has previously indicated to the Parish Council that there are no easy ways to removing existing levels of traffic from this area. Indeed the Parish Council for its part has been unable to suggest any measures which would alleviate current levels of through traffic. Road closures are not an option. In terms of the SUE proposal, it is not for the developer to solve existing problems on the network. However the SUE, and in particular the construction of the spine road, does offer potential benefits for the two villages that would otherwise not materialise. Whilst some SUE traffic will use local roads through these villages, the proposals have been specifically designed from the outset to ensure that this, as well as existing rat-running, is discouraged.

Results from the LLITM and junction modelling exercises demonstrate that overall the SUE proposals will not exacerbate the existing traffic situation in Barkby/Barkby Thorpe. Although traffic movements generated by the SUE will

route through the villages, this traffic will be more than offset by the reductions brought about by the spine road and traffic management measures.

The results indicate that for junctions 10 & 33, the impact is positive in all assessment scenarios due to the traffic management measures implemented as part of the SUE. There is a small net increase in delay at junction 20 in the 2031 AM peak but not on a level that can be considered severe. Finally, junction 11 is predicted to have a nil-detriment outcome.

### Impact on Thurmaston

There are 4 junctions that have been assessed as part of the TA, these are:

- (J4) Hobby Horse roundabout
- (J5) A607/Barkby Thorpe Lane signalised roundabout
- (J18) A607/Humberstone Lane
- (J29) ASDA/ Barkby Thorpe Lane mini-roundabout

The Highway Authority is satisfied that the conclusions in the Transport Assessment regarding the impact at the Hobby Horse roundabout are valid and that no mitigation is required in this location. It should be noted that the Highway Authority has only assessed the A607 & Martin Drive arms of the Hobby Horse roundabout. The A46 is the responsibility of the Highways Agency who has assessed the impact of the development on their network and raised no objections.

The Transport Assessment identifies large queues and delays on all arms of the A607/Humberstone Lane junction particularly in the 2031 assessment year. However given the routing of development traffic identified earlier in the report and the re-routing effect of the northern link road, the impact of the SUE traffic at this junction is expected to be minimal in 2031. There is, however, a significant impact in the 2021 scenario particularly in the PM peak period on the Melton Road, A607 (south) and Humberstone Lane arms of the junction. To mitigate this impact, the Highway Authority is requesting a financial contribution towards the upgrade of the MOVA [Microprocessor Optimised Vehicle Actuation] unit as a planning obligation.

The assessment compares the 'with' development and 'without' development scenarios in terms of their relative impact at junction 29 in the 2021 scenario (i.e. before the northern link road is available). Whilst the impact is mainly confined to western approach, the impact is considerable in the PM peak hour. Mitigation, albeit temporary, will be required to deal with this impact should it materialise.

There is also an undoubted adverse impact at junction 5 as a direct result of the SUE proposals. Again this is most pronounced in the 2021 PM peak hour scenario where queues on the signalised approaches increase significantly and the total time delay for all vehicles using the junction increases three-fold.

Whilst the impact of the development at both junction 29 and 5 is mitigated in 2031 by the completion of the northern link road, the Highway Authority is of the view that the impacts identified above, particularly the level of queuing on the Barkby Thorpe Lane approach, which will extend back over the retail roundabout, are sufficient to be considered 'severe'.

The assessment demonstrates that the predicted impact of the development would amount to a severe highway outcome in 2021 at junctions 5 & 29. Having done some additional analysis, the Highway Authority predicts that the tipping point for junctions 5 and 29 is approximately 1,265 dwellings, which is likely to be in 2019. On this basis, there is likely to be a severe impact at these junctions from 2019 to 2026 when the Northern Link Road is currently proposed.

There are a number of options available to mitigate this impact such as constructing the Northern Link Road at an earlier date, implementation of separate improvement schemes at both junctions or the introduction of a scheme at the eastern Barkby Thorpe Lane so as to encourage more vehicles from the SUE to use Barkby Lane and Melton Road to access the A607.

In considering potential measures the Highway Authority make reference to other undetermined applications in the area. However the NPPG makes it clear that highway assessments cannot take account of uncommitted schemes and therefore no weight can be given to the measures associated with these proposals.

The applicant has submitted two separate improvement schemes for J5 and J29, which involve the creation of additional approach lanes. Both schemes have been checked by the County Highway Authority who consider these would:

- mitigate the impact of the SUE; and
- be deliverable without the need for third party land.

The improvement schemes for junctions 5 & 29 both create a significant amount of additional capacity which would mitigate the impact of the SUE traffic between 2018 and 2026. As such, if implemented, the Highway Authority considers it reasonable to allow the revision of the trigger point for the Northern Link Road, which had been set at 1,750 dwellings. The assessments submitted by the applicant satisfactorily demonstrates that Barkby Thorpe Lane could accommodate up to 2,355 dwellings. It therefore follows that subject to the implementation of these schemes, the trigger point for the delivery of the Northern Link Road could be extended to occupation of the 2,355<sup>th</sup> dwelling subject to the results of future monitoring carried out as part of the Monitoring and Phasing Review.

Whilst all parties are committed to delivering the Northern Link Road at the earliest possible opportunity, the Highway Authority has established that if the

Northern Link Road cannot be delivered earlier than the timescales set out in the Transport Assessment, there are fall-back schemes which can be implemented which would mitigate the interim impact.

In principle, the implementation of these schemes could allow flexibility in the delivery of the Northern Link Road. For the reasons outlined above, it is not possible at this stage to finalise the precise timing and nature of the mitigation package for Barkby Thorpe Lane except to say that mitigation will be required from 1,265 dwellings.

#### Impact on Syston/Queniborough

The Transport Assessment has investigated the impact of the SUE proposals at the following:

- (J37) Melton Rd/Barkby Lane mini-roundabout
- (J38) Barkby Lane/Barkby Thorpe Lane shuttle signals

In common with a many of the other junctions, there is a “nil detriment” outcome at these junctions in the 2031 completed development scenario. Junction 38 continues to operate with ample spare capacity in all assessment years with development and without the development.

#### Impact on Scraptoft/Thurnby

The SUE has negligible impact at junction 99 and therefore no measures are required.

#### Delivery of the Northern Link Road

The applicant’s Transport Assessment states the following:

*“Both the A607/ASDA junction and the Barkby Thorpe Lane/retail park/ASDA junction are forecast to incur increased congestion, but these junctions will be relieved by the proposed northern link. There is scope for some interim improvement at both junctions, within highway land, but it is anticipated that County Highway Authority will accept that the funding of these improvements would be more appropriate if redirected towards the North West Link. The scope for public funding towards the early construction of the North West Link will be discussed with the Leicestershire County Council as the scheme proceeds.”*

The Highway Authority agrees with these comments and makes a firm commitment to work with the SUE promoters to bring forward the delivery of the Northern Link Road as early as possible. Because it is not possible to give guarantees at this stage, it is right that temporary mitigation measures have been

identified which are likely to be required in 2019 or occupation of the 1,265<sup>th</sup> dwelling. The Phasing and Review Programme will provide the mechanism by which the interim junction improvements will be secured if best endeavours to deliver the Northern Link Road at an earlier phase fail. If the interim mitigation schemes for junctions 5 and 29 are implemented successfully, this is likely to mean that the delivery of the Northern Link Road can be relaxed later than originally intended.

### Review Mechanism

Whilst the Highway Authority is confident that the methodology adopted has provided a robust and realistic assessment of the SUE's highway impact based on current conditions, it is important to recognise that the assumptions and assessments made at present result directly from the tools, findings and observations of the highway network that are available to engineers at this moment in time and as forecasted in assessment models. In view of the timescale of the development, which is likely to be over a considerable period, the planning & highway authorities as well as the applicant concur that a review mechanism should be adopted. This would allow for the transport impacts of the development to be continually monitored over the period of construction and thereafter as necessary to ensure that the continual impacts generated by the development are understood and mitigated appropriately. This is considered essential and allows for flexibility in the event that impacts occur that differ from what has been forecasted during the application stage. This would need to be secured by planning condition or planning obligation secured by a Section 106 agreement that obligates the developer to submit regular tranches of transport work from commencement to completion of the development.

### Southern Link Road

The Highway Authority raises no objection to the detailed application for the southern link road, the majority of which is located within Leicester City Council's administrative boundary where there is a resolution to grant planning permission. A small section of the road comprising approximately 200 metres north of Melton Brook is located in the County.

### Leicestershire County Council Highway Authority Summary & Conclusions

The majority of the southern link road is within Leicester City for which there is a resolution to grant planning permission. The principle means of access to the SUE will be via two new main roads: a northern link road connecting to the A607 Syston by-pass and a southern link road connecting the Sandhills Avenue/Bellflower Roundabout. A spine road connecting these two roads will run through the development with a design speed of 30mph except on the section fronting the district centre where it will be 20mph.

The proposals incorporate a number of traffic management measures including the; reduction of speed limits, part-closure of Barkby Thorpe Road, introduction of gateway features and capacity restraints to/from the spine road all of which seek to discourage development traffic using sensitive routes to the east of the SUE.

To deliver its sustainability goals, the proposal is supported by a Framework Travel Plan which sets out ambitious modal shift targets for the SUE. To achieve this, the Travel Plan contains a range of measures including a comprehensive network of green infrastructure within the development, the provision of high quality linkages to existing residential areas and local centres, a Public Transport strategy providing frequent services to Leicester City Centre and personalised travel planning service.

The highway assessment methodology for the SUE was considered to be robust by the Transport Working Group comprising Leicester City Council, Leicestershire County Council, Charnwood Borough Council and the Highways Agency. To provide a robust assessment, the use of LLITM, which was used to forecast the impact of the development over the wider area, was supplemented by detailed junction modelling.

The reference case for each assessment year was established by 'growing' traffic data using TEMPRO rates. The impact of the development was then derived by comparing 'with' and 'without' outputs from the LLITM. This methodology which allies real life data to model outputs is considered robust by the Highway Authority and is similar to that used in the assessment of other SUE's in the county.

The results of the modelling work indicate that the SUE will generate approximately 25,000 daily trips, of these almost 4,500 will be in the AM/PM peak hours. The distribution of these trips onto the network is such that the nearly 80 per cent will be into Leicester City and Charnwood. The trip rates and distribution provided by the LLITM are considered sound.

Eleven existing junctions in the County were assessed using junction modelling software. Overall, the construction of the northern link road which will connect the spine road to the A607 will deliver significant relief to a number of existing roads and junctions in north-east Leicester. Prior to the delivery of the northern link road, a number of adverse impacts have been identified by the Highway Authority. In the event that the northern link road cannot be delivered earlier than proposed in the Transport Assessment, potential mitigation schemes have been put forward and the Highway Authority is satisfied that the impact of the development can be mitigated and as such, it is not considered there will be any 'severe' outcomes for the County highway network.

The impact of the SUE proposals on the highway network will be monitored throughout the construction phase with the developer submitting regular pieces of transport work for approval by the highway authorities. Therefore, decisions relating the exact timing of delivery for the on/off-site traffic management and any additional highway mitigation measures will be taken in accordance with the Phasing and Review Programme

Subject to appropriate planning conditions and planning obligations secured by Section 106 legal agreements, the proposals are considered acceptable from a highway point of view and there is no objection to the granting of planning permission.

### Leicestershire Libraries

The proposed development at Thurmaston is within 1.2 km of Thurmaston Library on Church Hill Road and 2.2 km from Syston Library on Upper Church Street being the nearest local library facilities to the development site. The library services contribution would be £273,110. This figure is based on the County Council's developer contributions policy, which is currently £54.35 per two bedroom dwelling and £63.41 per 3/4/5 bedroom dwelling.

The table below suggests an indicative example of how the contribution might be used to provide library services to the new community in the SUE. This would be informed by the review of future provision as outlined above.

ICT network and infrastructure	£10,000
Self-service kiosks and associated costs	£25,000
Library fit out	£60,000
ICT learning suite	£10,000
Library resources including books, additional licences and subscriptions etc.	£132,110
Community outreach support after for 1 year	£36,000
<b>Total</b>	<b>£273,110</b>

### Leicestershire Education Authority

The Education Authority considers the development requires the following education provision:

- Primary School Provision

There are 2 possible options for the provision of primary places to accommodate pupils from the development. A development of this size would generate 1,080 primary places and, as a sustainable urban extension, it would be expected that infrastructure such as education be provided within the SUE itself.

- Option 1 – 3x New Primary Schools and offsite provision  
1,080 pupils will be yielded from this development therefore the size of this development is sufficient to warrant the provision of three primary schools.

The Education Authority would require a minimum site area of 0.93 hectares and a maximum of 1.93 hectares with one of the primary schools being co-located with the secondary school on the SUE. Total cost £14,162,970. *(This figure also includes an off-site contribution for 30 pupil places. The Education Authority would also consider the developer building the school in lieu of the S106 contribution).*

- Option 2 - 2x New Primary Schools plus off site provision as well 1,080 pupils will be yielded from this development therefore the size of this development is sufficient to warrant the provision of two primary schools the size of which would be dependent upon the amount of places provided offsite. For this option two sites are reserved 2 of 1.93 hectares per school. The maximum cost £13,603,762 *(including provision of 240 pupil places off-site).* The Education Authority would also consider the developer building the school in lieu of the Section 106 contribution.

- Secondary School (11-16) Sector Requirement

There are 3 possible options for the provision of Secondary (11-16) places to accommodate pupils from the development. Whilst option 1 is the County Council's preferred option, due to uncertainties regarding the new relief road, approvals for the disposal of the Roundhill Academy site and the sources of funding for the replacement places, all 3 options should be included. A development of this size would generate 752 11-16 year olds and as a sustainable urban extension it would be expected that infrastructure such as education be provided within the SUE itself. The County Council is currently moving towards an 11-16/11-19 structure for its secondary schools and in the draft strategy for the provision of school and other learning places in Leicestershire the preferred size of a secondary school is for no less than 600 pupils and no more than 1,200 pupils.

- Option 1 – Relocate The Roundhill Academy to the development and 252 places to be allocated elsewhere. This would require a site of 8.68 hectares of which 6.03 hectares is for provision of the 752 pupils from the development and the balance of 2.65 hectares for the relocation of The Roundhill Academy. In addition we request that a site area of up to 1.03 hectares be situated next to the proposed secondary school site to allow for the co-location of the primary school. To enable this option to be viable funds would have to be secured for the replacement of The Roundhill Academy. The proposal would also be subject to approval by the Secretary of State to dispose of The Roundhill Academy site. New School £16,727,200. The Education Authority would also consider the developer building the school in lieu of the Section 106 contribution. Total £21,196,242

- Option 2 - Extend The Roundhill Academy by 500 places + 250 places to be allocated elsewhere. It may be possible to provide the 500 places required on the Roundhill Academy site, if additional land and funds are made available. A further 0.63 hectares would be required for the extension of the site together with a contribution of £13,426,791
- Option 3 – New Secondary (11-16) on site. 752 pupils will be yielded from this development therefore the size of this development is sufficient to warrant the provision of a secondary school on site. To provide a new secondary school for 800 pupils we would require a minimum site area of 6.32 hectares and a contribution of £16,727,200m. The Education Authority would also consider the developer building the school in lieu of the S106 contribution. Total contributions are £16,727,200
- Post 16 Sector Requirement

Dependant on the option taken forward for the 11-16 provision the Post 16 places could be provided at Wreake Valley Academy or at the new secondary school on the development site. This development generates 149 post 16 pupils and in order to provide the additional post 16 school places anticipated by the proposed development, the Education Authority requests a contribution for the post 16 school sector of £2,870,193.10.

#### Leicestershire Minerals Authority

Parts of the application site lies within Sand and Gravel and Gypsum Mineral Consultation Areas (MCA) previously notified to the Council. The available geological information does not however suggest that the site contains any significant mineral resource. It is noted that the Environmental Statement indicates that glacial sands and gravels occur on north-eastern corner of the site, near Barkby Thorpe, on the southern tip of the site, and also immediately outside the western corner of the site. These areas are not likely to contain significant quantities of potential resource.

The area of potential gypsum resources was inferred by the British Geological Survey based on mapping together with very limited borehole evidence. Following a subsequent programme of exploratory drilling, British Gypsum Limited has indicated that the potential economic resource in this area is low.

In the circumstances, the Minerals Authority has no objection to the application in respect of mineral sterilisation.

#### Leicestershire Waste

The County Council consider the development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities in the local area. As such, a developer contribution is required of £209,250 for improvements to storage capacity and

waste infrastructure at the Mountsorrel Civic Amenity Site (£46.50/dwelling) to mitigate the impact of the development.

### The Police

The Leicestershire Constabulary stress that without the necessary contribution development will be unacceptable in Planning terms and planning permission should not be granted as indicated in NPPF Guidance. The lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developer of the site to provide a contribution so this situation might be remedied. It is the view of the Police that the request is directly related to the development and the direct Policing impacts it will generate, based on an examination of demand levels in the local beat in which it will be mainly situated, adjacent areas which it will extend and existing Policing demands and deployment in relation to this. The response states that the request is wholly related to the scale and kind of the application development.

Leicestershire Police have refreshed its approach to contributions taking account of the advice of leading Planning Counsel and recent reductions in its deployment. Leicestershire Police are advised that the contents of its request and approach are sufficient to justify the contribution sought and that the request is compliant with NPPF tests.

Significant numbers of appeal decisions and supporting evidence have been submitted. The following is the list of requests submitted in the latest representation received in September:

Start up equipment	£214,583
Vehicles	£126,810
Additional radio call capacity	£10,125
Police National Database additions (PND)	£6,525
Additional call handling	£13,815
Automatic Number Plate Recognition (ANPR)	£32,888
Mobile CCTV	£4,500
Additional premises	£1,427,734
Hub equipment	£9,000
<b>Total</b>	<b>£1,845,980</b>

### The Environment Agency

The Environment Agency Flood Zone maps parts of the site as affected by Flood Zones 2 & 3. However, modelling work undertaken now shows there to be no Flood Zone 3 within the application site and only a very small area of Flood Zone 2 adjacent to the road through the village of Barkby.

The proposed development will be acceptable if requested planning conditions are attached to any permission granted. Therefore there is no objection on flood risk grounds.

Other observations include the following:

- In considering the grant of consent for works affecting the ordinary watercourse, in particular the bridge structure, the LLFA should take into account the possibility of the works affecting protected species (in particular white-clawed crayfish, water vole, otter) and as such determine whether or not up-to-date protected species surveys are required. It should be noted that where an ecological survey is greater than 2 – 3 years in age updated surveys will need to be undertaken in line with Natural England guidance.
- Maintenance of the bridge structure and the bank of the watercourse should also be given consideration and a decision made as to whether a clear area / buffer strip adjacent to the watercourse is required. The banks should remain as soft as possible with limited hard engineering such as steel piling and concrete.

### Sport England

Sport England had the following concerns:

*“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.*

1. *In this instance of key concern is the following: The playing fields to be lost would be replaced by a playing field of equivalent or better quality and of equivalent or greater quantity in a suitable location”*

Sport England previously objected to the proposal because is not considered to accord with any of the exceptions in Sport England’s playing fields policy with regard to the loss of playing filed area. Sport England has said it would be prepared to lift their objection once more detail is submitted with regard to the replacement of the pitches. The playing fields to be lost should be replaced by a playing field of equivalent or better quality and of equivalent or greater quantity in a suitable location, in order to meet exception E4 of their playing field policy.

Given the timing of the various elements of the proposal and the potential that a new school could be required and that the new school could be in addition to or replace the existing school, it is considered that the replacement playing field being secured as part of a legal agreement would be a better option than a condition. Given the development area it is considered that there is sufficient space available to both provide the necessary formal open space (playing field) required by policy to meet the demands of the population generated and to provide the replacement for any playing fields lost.

Sport England is content with the wording put forward in the draft heads of terms of the legal agreement. Their only concern with the draft, is how they can properly judge the ratio of replacement artificial grass to grass pitches lost, currently they say, direct area to area, but this is currently being discussed at a national level and may be resolved before it is an issue on this site.

Given the above Sport England removes their previous objection to the proposal subject to the completion of the Section 106 agreement as drafted, or other legal mechanism is delivered, or other arrangements are confirmed which secure the replacement playing field provision.

Sport England say that if the planning authority is minded to approve the planning application without an acceptable section 106 agreement or other legal mechanism in place to secure the replacement playing field, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the National Planning Policy Guidance, the application should be referred to the National Planning Casework Unit.

The submitted proposals advise that the Charnwood Open Space Sport and recreation Study (2010) has been used to identify the need for an area for outdoor sports provision totalling 29 hectares with 13 hectares of formal sports pitches. The pitches are proposed in a small number of locations around the SUE. The proposed cricket area is located adjacent to other sports field areas. It is considered that the provision in this way could be supported in principle.

The proposal includes the on site provision of a sports hall, the full details are not given but the principle of a sports hall would be supported by the demand generated by the proposed population as identified by the sports facility calculator for a facility of at least 3.4 courts, this does not take into account any issues of demand generated by existing residents. It is not clear of the timing of the proposed sports hall but it is understood that this would be provided in advance of the school, which has been identified and allocated as a reserved site.

The Sports Facilities calculator identifies a demand generated for swimming pool water space, it is understood from the Open Space Sport and Recreation Study that there is sufficient water space in the borough; however the impact of the needs generated by this development on the existing facilities should be assessed with regard to those facilities coping with the additional demand. In addition Sport England is currently

working with Leicester City Council on a Sports Facilities Strategy; given the location of the proposed development the demand generated may impact on facilities in the North of Leicester, such as Leicester Leys Leisure Centre. This leisure centre is currently operating at 92% capacity 70% would be considered as comfortably full. Our modelling suggests that around 7% of visits to pools in Leicester come from residents in Charnwood.

We therefore wish to maintain our concerns, as outlined above, with regard to the provision of indoor and outdoor sports in the proposal.

*Head of Planning and Regeneration comment - It is noted that no representation regarding impact on facilities has been received from Leicester City Council in this latter regard)..*

### National Health Service

The development is proposing up to 4,500 dwellings which based on the average household size in Charnwood Borough Council area of 2.42 per dwelling would result in an increased patient population of approximately 10,890. The calculation below shows the likely impact of the new population in terms of number of additional consultations per year. It considers consultation room and treatment room requirements and concludes that the development will generate demand for a total of 284.04 hours/week of patient consulting room time and 75.74 hours/week of patient treatment room time. (This equates to 8 consulting rooms and 2.1 treatment rooms assuming 36 hours use of a room in a 60 hour week).

For expansion of existing facilities alone £2,259,576 between the following facilities:

- Silverdale Drive Thurmaston
- 573a Melton Road, Thurmaston
- 577 Melton Road, Thurmaston
- 22 Maidenwell Avenue, Hamilton

Alternatively for expansion of existing facilities at those previously identified until year 6, £873,493.50 But with also a new medical facility in District Centre at a cost of £2,160,015 or £1,504,140 (land costs to be established).

### Charnwood Borough Council's open spaces and community facilities

The Strategic Director for Neighbourhoods and Communities has no objection to the open space and community provision proposed to be included within the S106 which includes:

- I. Play Facilities - 7 sites for children and 7 for young people (total 0.56ha) and to provide a Children and Young Persons Strategy/Statement.
- II. Parks – 48 ha
- III. Natural and Semi Natural Greenspace, including woodland – 61ha

- IV. Amenity Greenspace (informal spaces within new neighbourhoods) – 6ha
  - V. Formal and Informal Outdoor Sports Facilities – 29 ha
  - VI. Allotments – 4 ha
  - VII. Orchards Community Facilities – including a community hall/hub.  
Applicant to provide Community Facilities Strategy  
Community Development Worker temporary workspace facility
- A Children and Young Persons Strategy/Statement.

The provision of a Strategy document that draws together all the facets of the masterplan in relation to facilities for children and young people that will assist in making the new development a great place for children to grow up. It should include:

- The range of activities that the seven play sites will comprise
  - A minimum combined value of these play facilities
  - The location and description of a centrally located ‘destination’ park, to incorporate one of the seven play sites, along with additional facilities listed in the table below
  - The qualities of the proposed Homezones that will provide and encourage informal play opportunities
  - The aspects of the layout that will enable children and young people to travel independently in safety around the development.
  - Compliance with other Borough Council strategies.
- The seven play sites

While the Borough Council welcomes the inclusion of fewer, better equipped formal play locations, the Council would favour play provision that has the potential to serve a wide range of age groups rather than narrowly defined age ranges. The provision should be consistent with a NEAP or LEAP designation and would preferably include a mixture of traditional and natural play types. The proposal to incorporate one of the seven play sites into a central ‘destination’ park is acceptable.

While provision for children and young people in the centre of the northern and southern parts of the site is central, provision at 3A.1/ 3B.1 is too peripheral. Additionally, some neighbourhoods could be isolated from the play areas by busier circulatory roads. Safe well located crossing points will ensure neighbourhoods are connected to the fewer more centralised play facilities.

- Centrally located ‘destination’ park

The LEAP/NEAP location of 3B4 and 3A4 would be acceptable as the basis of a ‘destination’ park (incorporating the Destination play facilities together with 1 or more of listed young people’s facilities in the table above).

The 'destination' play facilities of this 'seventh' play location should appeal to all age groups, and be located close to other complimentary facilities such as a café, toilets, events space, art features, associated gardens, sports pitch provision, and parking with an estimated value of £750k, this cost being in addition to the above table, and separate from the cost of basic infrastructure such as paths, drainage, signage, bins, and fencing.

- Community Facilities

Facilities like community centres, and scout huts/ youth clubs should be an essential part of each of the 3 main character areas of the proposed development which have regard to the Design and Assessment Statement on the District Centre. There is a need to provide a community hall/large community room the District centre and both local centres to ensure there is a space that the community can come together and meet and that community groups can book to carry out their activities. These spaces are critical to ensure a sense of community cohesion.

The development is therefore required to provide a Community Facilities Strategy for the development which includes:

- the number, size and location of proposed community facilities including community halls / rooms
- the specification for construction and fitting out of each of the community facilities
- the proposed trigger for the provision of these facilities
- the proposed management arrangements for the community facilities ( the Borough council would not wish to manage these facilities)
- the proposed arrangements for public access to these facilities.

- Public Art

Public art should be integrated into the public realm through the design of spaces and buildings, gateways, landscapes and play areas as an important way of enhancing the sense of place, and look and feel of the proposed development. The public art could relate to the social, historic or cultural context of the site or user.

- Sports Facilities

The Borough Council would like the following facilities included within the Sports Centre (included at 16 on the masterplan):

- 4 court sports hall (separate and additional to school provision);
- gym;
- dance studio;
- full size Artificial Turf Pitch (ATP) to replace the pitches (2 senior, 4 mini) intended for the eastern extremity of the development, near Hamilton;

- 5 tennis courts clustered with the Leisure Centre provision to assist in management;
- associated changing facilities and car parking – both sufficient in number to meet the needs of all facilities;

All of the facilities provided within the Sports Centre should meet Sport England guidelines. The sports facility should be separate from any outdoor gym facilities.

### The Ramblers Association

Concerns raised regarding the following:

- Loss of countryside and extension of the urban edge,
- Note the existing rights of way will be retained and would welcome appropriate new links within the site and recommend research be given to the use of unrecorded ways.

### The National Grid

Confirms that it has apparatus (Low or medium pressure gas pipes and above ground pipes) in the vicinity of the application and requires notification regarding the decision of the application. A suitable planning condition is attached.

### Natural England

No objection but has the following detailed considerations:

- welcomes the incorporation of multi-functional green infrastructure (GI) into the development. Multi-functional GI can involve habitats and green spaces resulting from a need to mitigate or compensate for unavoidable losses or impacts, in addition to spaces which may not be priority habitat but which provide a wide range of functions of benefit to the development and community. Such functions include improved flood risk management, provision of accessible green spaces, climate change adaptation, biodiversity and landscape enhancement (including better functionality of local ecological networks) as well as quality of life benefits for the local community (including health and economic well being and access to wildlife). The provision of GI is supported by the National Planning Policy Framework.
- welcomes a Green Infrastructure study but notes it lacks a strategy for implementation. The 'Design and Access Statement' states that 175.5ha of the total site area (360ha) will be given over to GI, 137ha of which will be additional accessible GI to existing. This equates to 49% of the total site area given over to GI. NE believes significant GI provision is necessary for the sites development as an SUE and is satisfied, from reading through the various application documents,

that both the quality and quantity of proposed provision is acceptable. However, it is noted that a great majority of the GI the applicants have counted within this figure comprises the semi-natural open space between the proposed development and Barkby and Barkby Thorpe. No further details are given. The application displays a clear focus on the multiple uses of green spaces that connect to the GI within the new neighbourhoods and the wider existing GI beyond the application site which Natural England supports.

- supports the provisions of the Parameter Plans developed for the scheme which establish the Landscape Infrastructure and Strategic Green Corridors for the site and supports the provision of appropriate strategic planting along the eastern and southern edges of development in particular as well as along the road and river areas.
- supports the conservation of structural landscape features, the positive reference to the Scheduled Ancient Monument, the provision of a Landscape Framework Plan and a 'Whole landscape approach'.
- supports the bio-diversity enhancement proposals and seeks a condition regarding a Landscape and Ecological Management Plan and has no objections on ecological grounds, water management or climate change issues.
- raises the issue of the 19.7 hectares of Class 3A agricultural land. The applicant's soil handling strategy needs to be implemented together with soft uses on this land where possible.
- has no significant concerns regarding the impact of the development on protected sites or species.

### Severn Trent

No objection and requests a condition be attached.

### University of Leicester Archaeological Services (ULAS)

Reviewed the applicant's Archaeological assessment and has made the following comments:

- ULAS agreed a methodology with the applicants agents, reviewed desk based assessment and draft reports and monitored the archaeological trenching.
- Overall the archaeological work undertaken, although limited in its scope of intrusive work was adequate for the pre-determination stage and will enable an informed planning decision to be made for outline planning permission.
- However in view of the very limited intrusive evaluation undertaken it is recommended that applications for full planning permission is subject to further archaeological evaluation and, depending on the results, appropriate recording.

- There was no evidence that any nationally important heritage assets would be impacted on by the proposed SUE. The potentially nationally important heritage assets of Anglo-Saxon date identified on the Historic Environment Records will be preserved within the green space and no groundwork's are proposed within this area. However were any changes made at full permission stage including landscaping and tree planting further non-intrusive (geophysical survey) and intrusive (trial trenching) would need to be undertaken to evaluate any potential impacts.
- The geophysical survey and subsequent trial trenching has identified heritage assets of regional significance. A full record of these heritage assets would be required prior to development taking place were planning permission to be granted. This should be in the form of full excavation and strip, plan and sample excavation, as appropriate, and should be secured by planning conditions.
- The north-western area was unavailable for geophysical survey and trial trenching. This area should be evaluated by these two techniques before any development takes place. Dependent on the results of this work further recording by full excavation or strip, map and sample excavation may need to be undertaken. These stages of work should again be secured by planning conditions.
- If planning permission was granted planning conditions should also be included for all other areas proposed for development which should be subject to an appropriate level of intrusive evaluation by trial trenching to test whether the geophysical survey has been an adequate technique for detecting heritage assets. If heritage assets are located these should be subject to an appropriate level of recording by full excavation or strip map and sample excavation

ULAS recommend planning conditions be included which has been attached.

### English Heritage

Advise that the issues raised in pre-application discussions appear to have been engaged with and in particular commend the Council in respect of archaeological matters for engaging Dr Patrick Clay of ULAS who is providing Charnwood with expert advice in this case. It recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. English Heritage therefore raises no further objection.

### Leicestershire Local Access Forum

Raise concerns regarding the following issues:

- The loss of countryside and spread of urbanisation
- Welcome retention of existing rights of way
- Welcome possible new rights of way

- Footpaths J10 and J34 should be upgraded to a multi-use route requiring the replacement of the Midland Mainline footbridge to enable cyclists and horse riders to use the route.
- Segregated cycleways should be provided on all primary routes
- Light controlled crossings should be provided to all roads leading to the A563
- Good child play facilities should be provided with safe pedestrian access
- Welcome additional and early provision of bus services. However the emphasis on services should not be just on accessing the City Centre
- Further consideration ought to be given to an additional railway station

## **Local Representations**

Over 600 neighbour letters were sent out on two rounds of publicity of the application. The first produced objections from approximately 115 addresses and three petitions and referred to the following concerns:

- The development should be on Brownfield sites
- Has a negative impact on the character of the countryside
- Loss of village identities and it will become a suburb of Leicester
- The extent of development is excessively large and is beyond the area indicated in the Core Strategy, it should be smaller in scale and therefore more appropriate to existing communities
- Councillors will see that granting permission for such a large number of homes will answer land supply problem in a single decision. However the numbers required remains questionable and the Borough Council has not considered alternative options. A better solution would be for a lot of smaller schemes spread across the borough. The Core Strategy remains untested and the Transport Assessment is incomplete.
- Charnwood should not have to meet the need from Leicester City.
- The impact on residents human rights of people who chose to live in a rural area that will be lost
- Residents of Barkby understood a green buffer between the parish and the development would be provided but this has not been delivered
- Loss of privacy to immediate neighbours
- Loss of daylight and sunlight to neighbours
- Result in excessive levels of traffic particularly on congested areas such as near ASDA which is gridlocked
- The North-west link road will have negative impact on existing traffic and public transport. It will not be provided early and therefore the only existing access roads will be overloaded in the early phases.
- Particularly congestion likely to 'the Duck Pond Residents' due to the later completion of the link road
- Possible loss of pedestrian route into existing Thurmaston facilities
- Objectors prefer alternative development of land near Birstall or Wymeswold

- Highway safety concerns (including pedestrians and cyclists) both within the development site and on roads in nearby areas. Appears to minimal road improvements around the developments site
- A new road alongside Roundhill will result in child safety concerns
- Loss of school playing fields and sports pitches and a wider concern for the future of the academy
- Likely to result in additional pressure on parking
- Disturbance of noise, odour and air quality to existing residents
- Likely damage to existing archaeology and the Medieval village
- Loss of valuable arable and agricultural land and 4 farms resulting in further loss of our ability to be self sufficient in food production. Particular concern regarding immediate loss of land for tenant farmers resulting in unsustainable development
- Poor design likely to lead to low quality housing and social housing
- Negative impact on the character of Barkby Conservation area
- Negative impact on ecology
- Developments of such size are not sustainable
- Overload on infrastructure in terms of schools, surgeries etc. Similar large scale housing developments such as Hamilton, Thorpe Astley have failed to deliver necessary facilities
- Loss of trees and hedgerows
- Flooding concerns regarding surface water in particular around Barkby Thorpe Lane, and on land referred to as the Thurmaston Flats
- Insufficient employment to support this level of homes
- The Gypsy and travellers site should be excluded due to crime and disorder considerations and a detrimental impact on the immediate community, residents of Syston highlight concerns regarding the location indicated on the parameter plans and question the need given permissions recently having been granted in nearby Birstall. The site will be detrimental to local businesses.
- Closure of through roads in Barkby Thorpe will have negative impact on farming
- Congestion due to existing rat-runs across the site will be exacerbated by the large amount of additional vehicular movements from the development
- The developer does not own all of the application land and therefore cannot complete the development
- Impact on amenity of residents around Colby Drive of a new vehicular access, bus route resulting in additional bus moving through the narrow streets and pedestrian and cycleway access points and there being no agreement in place for the sale of private land required.
- Concern of congestion impacting on access to Warren Avenue and Simpson Close
- Public transport improvements will not meet travel needs and the development will inevitably rely on private vehicles
- The Syston (Leicester to Loughborough) railway service will not be able to cope with additional burden

- There is no need for additional employment and the proposed employment area ought to be located alongside existing Business Park to the south. Residents would prefer an alternative residential proposal.
- The project has had poor public consultation and the Borough Council should listen to the overwhelming objection of the nearby communities
- Residents on Barkby Thorpe Lane own land within the development but do not agree to the proposed use or sale of their property
- The proposal is contrary to views given in 2012 by the Prime Minister regarding plonking large developments on the edge of villages against the wishes of the local communities
- Impact on the bungalow within the grounds of the Berrystead nursing home of the new road and the separation of Roundhill from its playing fields.
- The development should provide a new railway and police station
- Concern that the secondary school will not be delivered
- The proposal has insufficient open space
- No need for additional food stores

BABTAG (Barkby and Barkby Thorpe against growth) and Barkby and Barkby Thorpe Parish Councils have similar objections on the following grounds:

- The council did not properly consider alternative sites once released from the Regional Plan and that it did not heed the overwhelming opposition of local residents will not be rehearsed here but they remain on record for the attention of the government's Inspector.
- Deliverability of the 4,500 houses - the applicant has not secured the assent of several key landowners and is in dispute with one of them over the siting of 13 hectares of employment land. If these take time to resolve delays will ensue and the building trajectory will not be met.
- Road and Transport Inadequacies - the proposed "improved" transport infrastructure will not be able to cope with the travel movement of over 12,000 new residents.
- Air Quality concerned that the impact of the development cannot be reconciled with the air quality requirements set out in the council's Sustainability Appraisal.
- Townscape and Landscape Character The new main roads and capacity enhancements to major junctions will not improve the townscape in built-up areas of Charnwood and Leicester and the landscape character of the SUE area will scarcely be enhanced by a busy spine road and two link roads carving through it.
- Conservation and Enhancement of the Historic and Cultural Environment The conservation villages of Barkby and Barkby Thorpe are rural in character with seven working farms. Their rural setting is vital to their identity so the loss of farmland will alter their character to that of commuter settlements. The change from rural to suburban will be profound. Similarly the tranquil countryside setting of the Medieval Village of Hamilton which is essential to its character will be degraded by encroaching housing estates. Also the separation of Thurmaston from Syston will be compromised by the northern link road to the A607 as it will run through precious "green wedge" land.

- Archaeology - the area of the SUE “has potential for unscheduled archaeology” but the building of houses will obliterate that potential. Rescue archaeology is a poor substitute for rigorously planned fieldwork.
- At a time of global concern over future food security it is difficult to justify the loss for ever of 700 acres of good agricultural land. The developers have not given due weight to the obligation to protect soil resources and more effort should have been expended on finding brown field land both in the city and in the borough before building on green field land.
- It is unclear regarding the provision of Green Spaces. Whilst the Masterplan map shows a substantial “green” area and the text details the acreage of particular parts e.g. allotments and playing fields the Masterplan does not show where all of these sub-divisions of “green” will be located and the text does not reveal how they will be managed. There is reference to some continuing agricultural activity within the SUE but not where those fields will be and no acknowledgement of the difficulties associated with farming on the urban fringe. This information should have been provided for the Planning Application.
- The applicants appear ambivalent over need for Secondary School. There is deep scepticism in the local community over whether the developers will fund key infrastructure for a new town of this size. Too often in the past roads, schools, clinics, shops have been promised then ultimately not delivered on other development schemes. An example of this could well be the promised secondary school. The Local Plan lists it as a key provision but in the developers’ Planning Application CEG only go so far as allocate land for the secondary school but there is no commitment to build.
- The SUE option rather than more modest development in more areas is a very costly route to solving housing problems. By locating the SUE in an area already beset with transport and travel problems its mitigation package is priced at £36 millions which adds £10,000 to the price of every house on the new estates. Add to this sum the costs of all the services and amenities listed in the Local Plan and the new houses will each be tagged with a figure much higher as developers recover their contributions to the new town’s infrastructure. It is possible that this price hike will delay the building of houses and so jeopardise the trajectory of housing completions that the council is committed to.
- The application embraces a larger area than that approved by the council when it voted to refer the Core Strategy to the government Inspector in October 2013. Fields in the north east of the development area bordered by Barkby Road, the railway line and Barkby Thorpe Lane and to the west of the railway line were clearly outside the border of the development in the map heading chapter 9 of the Core Strategy. The application would appear therefore to have extended the boundaries of the SUE without councillor approval or public consultation. The shape of the development as set out in the PA is not necessarily how it will look in future years. If the applicant is unable to persuade the owners of land adjoining the railway line south of Barkby Thorpe Lane to sell the applicant will have to change its housing plans to accommodate 13 hectares of employment land elsewhere within the SUE boundaries. Before considering approval of this application the Plans committee should demand to know the “Plan B” location of

- the industrial land. Similarly the applicant should have submitted a Plan B for the route of the northern link road in case it fails to convince landowners to sell and to overturn covenants on land on a vital part of the route. Councillors should also be wary of the amount of leeway that a grant of planning permission can give in approving an outline rather than detailed plan for the area of the SUE within the Charnwood's boundaries otherwise a rather different development to the one proposed may turn out to be the reality.
- BABTAG has commissioned M-E-C to review the Transport Assessment that formed part of the Planning Application. Their findings are as follows:-
    - The developers' Planning Application understates the traffic problems the 4500 houses will create.
    - Traffic generated by the 12,000 plus new residents has been seriously miscalculated and is more in line with a development of 3,500 houses than 4500 houses.
    - The report draws attention to the load that the existing narrow country roads will have to take over the many years the SUE will take to build in particular Barkby Thorpe Lane and Barkby Thorpe Road.
    - The report is sceptical that the new spine road, when finally built, and road closures, not scheduled until 2028 or later, will dramatically reduce traffic in the villages as claimed by the developers.
    - The report is critical of the late construction date for the northern link road which is not scheduled for completion until 2028 meaning that until then Barkby Thorpe Lane carries all the westward bound traffic of the nearly completed SUE.
    - The report criticises the use of out of date (2008) traffic figures and says up to date figures should have been used.
    - The report is sceptical that the 20% reduction in car use envisaged by the developers' Travel Plan can be achieved.
    - The Planning Application is premature because its transport plans require a final transport assessment which has not yet been submitted to Charnwood Borough Council.
    - The interim traffic assessment contained within the Planning Application cannot be used to measure the true impact of the development on key junctions and on the strategic road network in the county and in the city of Leicester.
    - BABTAG's consultants urge that sufficient time be given for a final transport assessment to be submitted and subjected to review before the Planning Inspector's Examination in Public of the Charnwood Local Plan is held in the spring or early summer
  
  - Open Space Issues\_The uses of a great deal of the green spaces on the Masterplan are not clear from the Planning Application. How is "natural and semi-natural open space" to be used and how is it to be maintained?\_Much is made in the Planning Application of the increase from 35 hectares at present to 137 hectares in open space for the enjoyment of new residents. Such a claim ignores the fact that the whole SUE site is criss-crossed by public footpaths allowing

current residents to experience a large tract of attractive countryside which will be replaced by an essentially suburban environment.

- Governance Issues\_There are two governance issues of the SUE that are not addressed in the Planning Application. The first relates to the two parish councils which share the acreage of the SUE site. Barkby and Barkby Thorpe Parish Council and Thurmaston Parish Council have not been consulted over their future responsibilities and issues such as the current borders of the parish council areas and numbers of new parish councillors need urgently to be addressed.
- The second relates to the governance of the large areas of parks, playing fields, tennis courts and green open space. How these areas are to be managed and equally important financed for the long term are key questions that are not answered in the Planning Application.

Syston Town Council considers the following:

- The SUE should be self sufficient in terms of services and facilities having minimal impact upon Syston's infrastructure
- It will inevitably lead to increased burden of traffic congestion on the highway network impacting on Syston's roads which are already heavily congested. The Council is concern who will pay for any necessary mitigation given the County Council's poor access to funding.
- Increased risk of flooding with cumulative impact onto Syston and the whole Wreake Valley
- Erosion of the Greenbelt.
- Loss of separation of Syston, Thurmaston, Barkby and Hamilton identities.
- Concern regarding the close proximity of the Gypsy and Travellers site to existing residential areas

Beeby Parish Council objects on the following grounds:

- Additional traffic generated will move through the village impacting on the cross-roads and the character of the conservation area
- It will spoil the character of the neighbouring village of Barkby
- It ignores the wishes of the community
- As the Regional plan is revoked there is no longer a need for such number of houses

Queniborough Parish Council is concerned regarding additional traffic and construction traffic should not be permitted through Queniborough. It requests serious consideration be given to highway infrastructure and mitigation measures necessary.

Thurmaston Parish Council has the following concerns:

- Traffic impact in particularly the capacity and provision for traffic movements from such a large scale proposal. A comprehensive package of transport measures would be required and the applicant has not demonstrated that the scheme has a

highway solution. Therefore the parish have no confidence in the Transport Assessment. Of particular concern are the current highway network heavily congested locations of Barkby Thorpe Lane/A607 traffic island serving the retail park (additional traffic generated could produce gridlock), Humberstone Lane, Colby Drive, Colby Road are also heavily congested and cannot cope and the Parish Council consider Thurmaston village could not withstand additional pressure.

- The Council request the width restriction be retained on Barkby Thorpe Road and that the spine road through the site be kept as a minor or local road in design.
- Thurmaston identify the position of the north-western link road close to Roundhill and through the school playing fields. The Parish is concerned that the school must be retained as a successful school within the community.
- Air quality concerns
- Flooding concerns
- Particular concern regarding the location of an employment site which in its view should be near to the Troon Way industrial estate.
- House types should reflect more rural areas, and welcome possible over 55 housing.
- Concerned regarding the impact on identity of Thurmaston highlighting that a substantial green buffer exists between both Barkby and Hamilton and the developed area but not with Thurmaston.
- The proposal should be self sufficient in terms of services.
- Supports concerns from the police regarding increase in crime
- Concerned that adequate cycling and pedestrian facilities are provided
- Support Sport England's concern regarding the loss of the playing fields
- Highlights the need for funding towards the Cemetery provision and the need for improvements towards existing community facilities at Elizabeth Park and the Memorial Hall.
- Support the provision of allotments in the area identifying a need.

The Thurmaston Action Group highlight the need for Section 106 funding is given to the Scout & Guide building in Thurmaston.

Bishop Ellis primary school Chair of Governors and the Nottingham RC Diocesan Education Services does not object in principle but has traffic safety concerns for pupils travelling to school due to increased traffic from the development and a number of existing detailed pedestrian/traffic conflicting situations and seeks local improvements near the school.

The Head Teacher of Eastfield Primary School is concerned for the impact of the SUE on Thurmaston, an area suffering high levels of deprivation, poor access to services and high proportion of social housing. Experience of nearby Hamilton where significant levels of affordable homes lead to concentration of social problems. The SUE is likely to exacerbate such problems. In his view there is a need to separate the development from the City and reduce densities. He further considers there is no need for additional schools being a capability to expand existing. The application should instead provide a

Children's centre with social care. The proposed employment should be of lower density avoiding the hemming in of existing Thurmaston. He objects to the location proposed so close to Eastfields representing danger to local schoolchildren. He also highlights concerns of increased traffic, social issues, overstretched services and complex local governance arrangements.

An objection from a resident of Queniborough regarding the application and archaeological considerations has been received referring to the following summarised issues:

- The first comment on the fieldwork elements is regarding the scope and extent of the geophysical survey and evaluation. Have these been designed in response to a Brief issued by the Leicestershire Principal Planning Archaeologist or has the scope been defined by the applicants heritage advisors and then submitted to Charnwood BC? Has the Leicestershire Development Control Archaeologist had ample opportunity to ensure the scope of the works was sufficient rather than University of Leicester Archaeological Services (ULAS)? Has Charnwood Borough Council taken the advice on this application from the Leicestershire Principal Planning Archaeologist or solely that provided by ULAS?

He considers that the advice given to the local planning authority may be impartial and unprofessional. However he refers to the following:

*'Despite this, it is acknowledged that ULAS are the most experienced commercial unit within the county and no obvious or deliberate abuse of power has occurred.'*

- He considers the work inadequate and in terms of fulfilling NPPF paragraph 128. Currently the applicant has failed to properly assess the full significance of the historic environment within the proposed developmental boundary. Consequently the planning authorities have not been provided with sufficient information on which to assess the level of impact which the proposals will cause on the finite and irreplaceable heritage assets located here. It is advised that a thorough and complete geophysical survey, including the areas of both link roads, is commissioned followed by a 5% evaluation sample including blank areas. A full evaluation of the results followed by a report including post-excavation assessment and scientific analysis should be published. This will enable the impact on the historic environment to be understood and the identification of significance of any heritage assets which will undoubtedly be lost should this proposal go ahead without correct oversight by the Leicestershire Principal Planning Archaeologist.

Charles Street Buildings does not object to the principle of the development recognising the need for homes and employment development being beneficial for the local economy. However the company objects to the location of the Gypsy and Travellers site being unsuitable for the local community and businesses. Whilst the Gypsy and Traveller reputations are often unjust, the perception associated is likely to have a depressing effect on what is a key economic location increasing insurance costs and

likely to reduce inward investment. There remain other locations within the application site better placed to accommodate the need.

Dunelm objects to the location of the Gypsy and Travellers site referring to in the company's view the site failing to comply with saved policies H/9 and H/10 in the Adopted Borough of Charnwood Local Plan for the following reasons:

- The necessity has not been demonstrated
- It is unsympathetic to the surrounding area
- The site will be an eyesore on what is an important gateway into Leicester. It will further deter investment having a detrimental effect on business in the area.
- Conflicts with economic development aims of the NPPF removing a prime employment site
- Conflicts with policy E/8 failing to safeguard or comply with appropriate criteria

Railfuture East Midlands highlights the lack of the applicant's promotion of a new railway station leaving such a proposal for Network Rail. In its view the application should fund and include a station on the Midland Main Line.

The Campaign for the Protection for Rural England (CPRE) consider, unlike the landslide of recent applications for developments outside the Emerging Core Strategy, that this proposal conforms and should be supported to help defeat undesirable development approvals based on the five year under supply of housing sites. CPRE therefore have the following comments/concerns:

- note that a generous landscape buffer is proposed to preserve the individual identities of Barkby & Barkby Thorpe. However, we feel that any planning approval must have legal constraint/conditions to permanently preserve the proposed buffer within the development site.
- Welcome the preservation of foot and cycle paths but are concerned that the commitment to preserving bridleways is understated.
- Concerned regarding design should be informed by 'the Charnwood vernacular' In particular designs must be sympathetic to neighbouring villages with regard to both architectural style and materials - and incorporate chimneys.
- CPRE are concerned regarding proposals for 4 storey housing developments and the absence of single storey proposals for those with mobility issues, either due to disability or ageing, a growing population for whom developers are not currently providers.
- The landscape and topography should not be undermined by unsuitable property types.
- The CPRE welcome specialist housing is proposed to meet the needs of an ageing population.
- There is an ideal opportunity within this proposed development for dwellings exclusively for the 'over 55's, not social housing but provided by 'open market' /sheltered housing.

Loughborough & District Cycle Users have the following comments:

- Welcomes proposed speed limits on the spine road
- Welcomes proposed cycleway network
- Proposed link roads should provide cycle paths
- Any road closures should retain cycling access
- Cycle parking/storage should be considered
- A railway station link should be included accessed near Colby Road

Savills representing land owners within the north-eastern corner of the site and to the north of the application site state they are content to work with the applicant. However the agent considers the degree of open space provided is excessive and additional residential development on the adjoining site would provide a gateway into the SUE providing better integration of existing and new communities. The agent is concerned that permitting the scheme should not result in the prevention of enabling his clients land from assisting the Borough Council from meeting its 5 year land supply need. In his view the adjoining land represents a deliverable scheme in a sustainable location. He confirmed that Bellway Homes would be submitting an application on the site known formerly as Roundhill Farm.

E. A. Lane & Sons confirmed that their client owns land within the development site but has no contractual agreement with the developers and questions the applicant's ability to deliver with that land.

Brian Barber Associates, on behalf of Pook Property, confirmed that their client also owns land within the development site and has aspirations for its development. It also questions the notification process as their client was not served with a notice.

*[Head of Planning and Regeneration comment:: the applicant has advised that this land was identified by land charges searches undertaken to identify owners as unregistered title, and the application was the subject of local press notices to notify possible owners of such areas within the application site in accordance with statutory procedures.]*

The second round of publicity following the amended submission resulted at the time of writing this report in receiving approximately 120 letters of objection who raise the following additional considerations:

- Concern that all traffic problems from 12,000 new residents can be solved by a new single carriageway road with many junctions and a 20mph section through the busy heart lacks credibility. So too does the build houses first and relieving roads later policy which will increase traffic on existing crowded country roads in the 16 year construction period. The traffic misery of Thurmaston and Barkby residents is likely to be shared over a much wider area.
- Concern regards deliverability, which delays of this huge unwieldy project for the last 7 years are likely to blight its future and not deliver the housing numbers required in the 16 year time frame. Deliverability is also threatened by the failure

of the developer to secure consent from a number of key landowners who have submitted planning applications for different uses of their land from the masterplan. Councillors should in their view be wary of voting for a masterplan which may need altering to find new employment land or playing fields

- Remaining concerns regarding the northern link Road in terms of noise, air quality
- The Gypsy and Travellers site remains as originally indicated and will blight the immediate area
- Too close to the Watermead Country Park
- The southern link road was at Sandhills Avenue (in Leicester) was a feeder road and therefore inadequate to meet the needs. It will also result in the loss of parkland which is unsustainable.
- The council should favour smaller developers on land not owned by the developer
- The amended scheme has not changed and therefore all original concerns remain relevant
- Additional development at Barkby Road Queniborough will exacerbate traffic problems;
- Other large developments in Rothley and Rearsby have failed to secure necessary infrastructure
- Surprise that minimal mitigation is proposed for highway congestion, will this be adequate?
- Concern regarding the accuracy of the Transport Assessment figures
- The local design of the spine road will deter external vehicles from using it and it will further increase impact outside the application site
- Colby Drive residents re-affirm concern at bus only access and the impact of additional bus service on their amenity
- A pedestrian/cycleway access only could be provided with a bus stop nearby as a preferred option
- Objection to the link road being delivered before permission is granted for the SUE
- A resident of Inglnook Park is concerned re traffic noise and suggests a replacement boundary fence ought to be provided
- Remaining concerns regarding flooding/drainage of an area referred to as Thurmaston Flats
- Numbers of empty properties should be filled before new houses are needed
- Residents of Simpson Close oppose the northern link road on amenity grounds
- A Duck Pond resident is concerned regarding the difficulties caused of not bringing the northern link road through earlier in the phasing due to reliance on Barkby Thorpe Lane
- No mention in the TA of accidents on Barkby Thorpe Lane
- Continuing doubt that essential infrastructure will be delivered
- Concern that bus only links will not be enforceable

A representative of Merton College who own land within the site and as well as on neighbouring land situated immediately to the north of the application site. He would welcome further discussions with the applicant but raise concerns regarding Land Control, the signing of Section 106 Agreements, Delivery timescales and Transport impacts and would prefer that additional land allocations should be made through the planning policy route.

Beeby Parish reaffirm previous comments but add that there has already been substantial development around the local area and the necessary infrastructure cannot be provided. Extra traffic will impact on the area and Beeby itself. It would prefer developing on Brownfield site in Leicester.

Thurmaston Parish Council request the application is not determined until the Core Strategy is finalised but also has the following comments:

- The parish support the siting of the Gypsy and Travellers site as indicated on the application.
- Employment site remains inappropriately located
- Supports the M-E-C transport assessment from BABTAG
- Concerned regarding the southern access road and impacts on Barkby Thorpe Lane.
- Supports BABTAGS view regarding the that the spine road will not ease existing problems (contrary to the Council's previous view regarding minor road design)
- Concerned that the new roads and spine road should be built first before construction of the houses

Barkby Parish Council and BABTAG have the following further comments (*including comments from their transport consultant M-E-C*):

- Deliverability

The NE of L SUE is a hugely ambitious scheme planned to a tight time-table. Other developers in their comments to the borough have questioned whether such numbers of houses, 4500, can be built in the time frame. BABTAG's reservations are grounded in CEG's failure to obtain the consent and support of a number of landowners for the proposed use of their land. Indeed two groups have submitted planning applications which, if granted, will necessitate important changes to the CEG masterplan for the area which could well result in delays to the development. If the Bidwell's application P/13/1716/2 for 150 houses south of Barkby Thorpe Lane and east of the railway in Thurmaston is successful there will be a need for CEG to find land elsewhere in the SUE for industrial and commercial use. If the Beltways' scheme P/14/1670/2 for 346 houses west of the railway between Barkby Thorpe Lane and Barkby Lane is approved CEG will need to amend its master plan to accommodate playing fields for Roundhill Academy elsewhere in the SUE.

Councillors should therefore be wary of approving the current masterplan when it may need to be radically altered with consequent delays to the building programme.

- Transport

BABTAG commissioned transport engineers, M-E-C to review the developers' transport proposals. Their full report is available on the Council's Website shown here in italics.

BABTAG challenges the final TA conclusion that, with the spine road and its extensions plus minor mitigation measures, the area can cope with the travel movements of some 12000 new residents and doubts the claim that when the development is completed Bark by's and Barkby Thorpe's current traffic problems will be eased by the applicants transport plans.

*M-E-C: No justification that the design and function of the spine road, along with soft measures implemented on the local roads will reduce the impact of "rat-running" trips through existing villages.*

The developers have underestimated by around 25% the number of vehicle journeys that will be generated by the occupants of the 4500 houses. As a result the pressure on roads through the villages and on key junctions is also underestimated and the mitigation measures are inadequate.

*M-E-C: The trip rates used are low when compared to average trip rates determined from TRICS and also when compared to trip rates M-E-C have agreed with Leicestershire County Council for recent transport assessment work. The difference in trips rates used equates to a reduction of approximately 1000 dwellings.*

BABTAG considers that the developers have not addressed sufficiently the impact of the incremental growth in the travel movements of new residents during the 15 year construction phase when houses are built before relieving roads are constructed. This is illustrated by their expectation that "the highways authorities will accept some increase in impact in the early phases in the knowledge that material improvements will follow in the later phases.

*M-E-C: Phasing of development and construction of the spine road and the northern link is such that the impact on Barkby Thorpe Road and Barkby Thorpe Lane will be significant until this is completed.*

BABTAG doubts that the likelihood of the Travel Plan in reducing car traffic by 20% by persuading new residents to cycle, walk or take the bus.

*M-E-C: At this stage it is not possible to confirm whether the measures outlined in the Travel Plan will achieve the 20% modal shift target outlined in this documents.*

BABTAG also points out that in their calculations on transport the developers have not included recent development applications for several hundreds of houses which, if granted, will add even more car journeys through the SUE.

- Status of the Spine Road

Central to the case that the developers make for easing existing traffic problems and dealing with the travel requirements of the new residents is the role of the spine road. Their figures show that this road will bear the brunt of the traffic generated by the SUE and by commuters from further afield using this route. On their own admission they accept that motorists will favour a route that shaves off journey time. But is this true of the spine road which is a single carriageway, has some 20mph sections, serves as a High Street through one of the district centres and has many new junctions with important link roads and residential streets? If motorists find that no savings can be made on their journey time they will revert to their old routes through Barkby, Barkby Thorpe and the "Duckpond" area and Highway Road/Colby Drive rat-runs in Thurmaston totally undermining the developers' case that the spine road is the cure-all.

- Houses before relieving roads

Pressure on existing roads as new houses are occupied before new roads are built is glossed over by the developers. The phasing of the construction of key roads is based on the developers' cash flow requirements rather than on the transport needs and concerns of existing and new residents. In a rational world (assuming for the moment that the spine road is the cure-all as claimed by the developers) the road and its links would be built before construction of houses. Because houses need to be sold to generate funds for the roads the timetable for phased road building lags behind the road requirements of new residents and spells traffic misery for existing residents.

Phase 1 (years 1-3) sees the building of 575 dwellings with the sole access to the construction site along the already busy Barkby Thorpe Road which the developers accept will see an increase in traffic north of Humberstone Lane.

Phase 2 (years 4-6) increases the number of dwellings to 1725. By this time the southern access road should be built but for northern journeys, until the spine road is completed, (and it is not clear in which year this will happen) the new residents must use Barkby Thorpe Road and travel through the already traffic blighted villages of Barkby Thorpe and Barkby and the Duckpond hamlet

Phase 3a (years 7-10) increases the number of dwellings to 2725 and the start of construction of the northern link road but it is not clear when this link will be open. Until this happens traffic heading north via the spine road will have to turn left at the junction with Barkby Thorpe Lane and travel through the Duckpond hamlet

and on over the railway to the traffic hotspot that is the ASDA roundabout and the Thurmaston Shopping Centre.

Phase 3b (years 11-13) envisages a further 1000 dwellings with no clarity on when the northern link will be open to traffic.

It is clear that the phasing of road construction lags behind house building and does not allow for the possibility of delays that occur on most major development sites. Any such delays will add to the traffic problems of existing and new residents.

Since the SUE was first mooted in 2008 the number of new dwellings that have been built or are about to be built bordering the SUE area has exceeded 1,000 and there are planning permissions and applications which will add a further 1,036 houses. So instead of the area accommodating 4,500 dwellings as planned in 2008 it will have to accommodate over 6,500 new homes. In BABTAG's view this figure is too high for the planned infrastructure to cope with.

*M-E-C: The mitigation measures do not go far enough to mitigating the impact of the development and in our opinion have a "severe" impact on the local highway network which is a key consideration within the NPPF.*

*M-E-C: With so many uncertainties in the package of mitigation measures provided it is difficult to see how planning permission can be granted at this stage*

The Plans Committee should therefore reject this application. Developers could then bring forward a more modest scheme. A cut of up to 2000 houses in the SUE would bring the housing figure down to the number that the planners originally set for the area. Fewer houses means fewer people, fewer travel movements, fewer delays in construction and the easing of the traffic issues in the area.

Scraptoft Parish object to the severe impact on traffic on the village's already congested one-way system and along station Lane to the A47 and along Hamilton Lane due to ongoing developments in Scraptoft.

English Heritage and Natural England raise no further objection.

Further objection from Dunelm Mill and Charles Street Buildings reaffirming its original opposition to the proposed Gypsy and Travellers site.

### **Consideration of the Planning Issues**

The main planning issues are as follows:

1. The Principle of Development - Housing land supply and sustainability
2. The emerging Core Strategy
3. The impact on the highway network and highway safety
4. The impact of the proposal on flood risk

5. The effect of the proposal on heritage assets
6. The effect on the landscape character of the site and surrounding area
7. The effects on the ecology
8. The impact on the residential amenity of nearby occupiers
9. The quality and design of the development
10. The impact of the proposal on geological and mineral resources
11. The retail impact
12. The effect on the loss of agricultural resources including best and Most Versatile Land
13. The provision of housing to meet local needs
14. The effect on community infrastructure and services

### 1. The Principle of Development - Housing land supply and sustainability

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise. Although there are relevant policies in the adopted Local Plan, including Policies ST/1, ST/2, ST/3, EV/1, EV/20, EV/39, H/5, H/9, H/10, H/16, CT/1, CT/2, CT/3, CT/7, TR/1, TR/5, TR/13, TR/16, TR/17, TR/18, RT/3, RT/4, RT/5 and RT/12, the weight that can be given to these is limited given the provisions of the NPPF and the emerging Core Strategy as set out below.

In terms of compliance with adopted policies the proposal is considered to be contrary to policies ST/1 - Overall strategy for Charnwood and ST/2 – Limits to Development, being outside development limits. However on appeal decisions planning inspectors have confirmed their views that these policies are not in accordance with NPPF guidance, particularly when the Council cannot demonstrate the provision of a 5 year housing land supply.

The proposal is also considered contrary to the following saved policies:

- Policy CT/1 General Principles for Areas of Countryside, Green Wedge and Local Separation. It is considered that the scheme fails to comply with appropriate criteria of development.
- CT/2 Development in the Countryside. It is considered that there would be some harm to the countryside although this is addressed further in the Environmental statement.
- CT/3 Development in Green Wedges. It is considered that the proposal does not accord with acceptable criteria in that it would not protect the predominately open and undeveloped character of the area.
- CT/7 Areas of Particularly Attractive Countryside. Although only a small section of the proposal is protected by this policy, the proposal would detract from the essential rural character of the landscape.

The proposal is considered capable of compliance with the remaining relevant policies. However the Borough of Charnwood Local Plan 1991-2006, is now considered out-of-date with sites allocated for housing having been substantially completed.

Given the absence of up-to-date policies within the development plan for the supply of housing, the NPPF’s presumption in favour of sustainable development (paragraph 14) means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission, unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted. (Para 14 and 197).

Paragraph 49 of the Framework further states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to say relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing.

With regard to housing supply, the annual housing target for Charnwood is 790 homes a year 2006-2028. This number is based on the objective assessment of housing needs prepared for the Regional Plan and updated with new evidence to support the Core Strategy and is currently subject to examination. New evidence of Charnwood’s number in the context of the Housing Market Area is set out in the 2014 Strategic Housing Market Assessment and is broadly consistent with this figure, showing a range of between 810 and 820 homes a year 2011-2031.

The 790 homes a year number has not been reached since 2008, and as a consequence the Council accepts that it has a record of persistent under delivery. The NPPF says that in such circumstances local authorities should show sufficient land supply for five years plus an additional 20% brought forward from later in the plan period. The latest estimate of land supply is:

	<b>Charnwood Borough Housing Supply Estimate as at 31<sup>st</sup> August 2014</b>	<b>Charnwood Total</b>
a	Charnwood Pre-Submission Core Strategy Housing Requirement (2006-2028)	17,380 dwgs (790 dwgs per annum)
b	Completions (2006 to 31st August 2014)	5,811 dwgs
c	Residual Requirement 2014-2028 (a – b). (11,569 \ 14 years = 826)	11,569 dwgs dwgs (826 dwgs per annum)

d	Requirement for 5 years 2014-2019, (5x 826).	4,130 dwgs
e	Requirement for 5 years 2014-2019 with 20% buffer for under delivery in accordance with NPPF.	4,956 dwgs
f	Expected supply of deliverable sites (planning permissions likely to be built September 2014 -2019)	4,276 dwgs
g	Surplus over requirement (e -f)	-680 dwgs
h	Number of years supply (f divided by 1002 (e divided by 5)).	<b>4.32 years</b>

The table above shows that, taking account of completions, commitments and sites available, the number of homes required to provide for a five year supply plus an additional 20% is 4,956. The Council's assessment of land availability shows that the amount of land available at 31<sup>st</sup> August 2014 would provide for 4,276 within the next five years, a deficit of 680 homes.

The proposal would deliver up to 4,500 homes over a 15 year delivery period and provide 955 homes within the first five year period (comprising 575 homes from Phase 1 and one year of Phase 2), which is forecast to average 380 houses per year (using the applicant's delivery trajectory).

In the context of the need to significantly boost housing supply this is a significant benefit of the scheme. If the proposal is considered to constitute sustainable development the NPPF's presumption in favour of sustainable development will apply. The economic, social and environmental performance of the proposal, the three key dimensions of sustainable development, are assessed below and then a conclusion reached with regard to the overall sustainability of the scheme.

In this instance the development is considered to involve the following key considerations in respect of assessing sustainability.

The NPPF identifies several aspects of development proposals that in combination result in sustainable development. The following are relevant:

- i. building a strong, competitive economy;
- ii. promoting sustainable transport;
- iii. delivering a wide choice of high quality homes;
- iv. requiring good design;
- v. promoting healthy communities;
- vi. meeting the challenge of climate change;
- vii. conserving and enhancing the natural environment; and

## viii. conserving and enhancing the historic environment

In the case of this planning application, the location of the SUE, at the edge of the urban areas of Thurmaston and Leicester affords the opportunity for residents to access the range of facilities available within these centres. In turn, the provision of new homes – and therefore a workforce – in the Leicester PUA will support the activity and economy of the City. The scale of the development, along with the density at which the houses are built, is also important to enable a range of facilities such as schools, shops, community buildings to be provided and supported.

The following paragraphs comment on the eight aspects drawn from the NPPF applicable to this proposal to assess whether the proposed scheme will result in achieving sustainable development. These integrate the economic, social and environmental attributes that contribute to sustainability.

### i. Building a Strong Competitive Economy

The SUE provides homes in the Principal Urban Area, supporting the role of the local area and the continued development of its economy. To support this, the SUE has allocated land that will create jobs. Employment will be created in the district and local centres, the employment uses sites (13 hectares) and in social and community uses.

### ii. Providing Sustainable Transport

The site's location and layout offers an opportunity to bring about a change in behaviour and encourage residents to use sustainable modes of transport. Travel Plans are proposed to be developed to encourage travel by walking, cycling and public transport. The development will seek to reduce the need for car journeys by providing good quality pedestrian and cycle links and by delivering sustainable transport, such as buses. The majority of new homes will be no more than 5 minutes walk from the nearest bus stop.

### iii. Delivering a wide choice of high quality homes

The 4,500 dwellings will include a wide variety of sizes and tenures including open market and affordable homes.

### iv. Requiring good design

The density of development should provide good levels of accessibility to associated facilities. Higher densities are located around the local and district centres to promote ease of access while lower densities will provide the transition to countryside, the adjacent urban areas and villages. The concentration of community and social facilities around the district centre will also encourage shared trips. The parameter plans have been designed to ensure that facilities will be conveniently accessible and attractive to promote local shopping, education, and access to community facilities, employment, leisure and recreation.

#### v. Promoting Healthy Communities

Walking and cycling is promoted by clear routes being defined on the parameter plans.

Areas of open space that exceed Council standards are proposed. These include recreational facilities and allotments within the development. The proposals therefore provide opportunities for healthy lifestyle choices.

#### vi. Meeting the Challenge of Climate Change

At this stage in the process, the applicant addresses various issues that meet this challenge, for example, development avoiding flood risk areas, integrating sustainable drainage, creating opportunities for non-car travel. Other aspects will be addressed at the detailed, reserved matters stage.

#### vii. Conserving / Enhancing the Natural Environment

The majority of the site has little interest in terms of habitat, due to the results of intensive farming. The main hedgerows and trees are proposed to be retained. The extensive areas of open space including SuDS ponds/swales will be designed to create a variety of habitats. This has been set out in the Green Infrastructure Study.

#### viii. Conserving / Enhancing the Historic Environment

The extent of development is the result of an assessment of the site, including its topography and the character of the adjoining villages and features of historic importance. The location of the development and open space, the heights and density within areas close to Barkby, Barkby Thorpe and Scheduled Ancient Monuments means that the SUE will conserve the historic character of relevant heritage assets. The environmental assessment concludes that the impact of the proposed development would represent less than substantial harm to a limited number of heritage assets. The impacts on the majority of built heritage assets would be negligible.

Overall, the location, scale of development, mix and distribution of uses, movement corridors, relationship to the surrounding area, and areas and distribution of open space results in development that, in environmental, social and economic terms, satisfies the approach to defining sustainable development as set out in the NPPF.

In addition, the application proposals' benefits are considered to outweigh any harm caused and the scheme is considered to represent a sustainable form of development when assessed against the NPPF. The principle of the development is therefore considered acceptable.

## 2. The emerging Core Strategy

The Council's Core Strategy sets out how and where housing is to be provided to meet requirements over the plan period (2006 – 2028). The Core Strategy identifies strategic growth sites called Sustainable Urban Extensions (SUE's) and Directions of Growth to make a significant contribution towards meeting the strategic need for housing and employment sites. Policy CS 19 would seek to allocate this site for a Sustainable Urban Extension of approximately 4,500 homes. However objections to this policy were received and therefore at this time only limited weight can be given to it in determining this application. However it is noted that the application broadly complies with the provisions of emerging policy CS 19.

The Charnwood Local Plan Core Strategy hearing resumes on 9<sup>th</sup> December and is scheduled to be completed by mid-January 2015.

As set out above, in relation to prematurity, the national planning practice guidance sets out the limited circumstances in which local authorities may refuse applications where a Local Plan is at an advanced stage and it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In this case the proposal broadly complies with the emerging Core Strategy and there are many planning benefits of the scheme that outweigh any harm identified. There is therefore no planning reason to refuse this proposal on grounds of prematurity with regard to the emerging Core Strategy.

### 3. The impact on the highway network and highway safety

There are considerable objections from residents and an alternative assessment has been submitted on behalf of BABTAG.

The Highway Authorities, including the Highways Agency, have considered the revised Transport Assessment carefully. A detailed summary of the County Highways assessment refers to the methodology it used and how it has arrived at its recommendation is included in this report. The full comments are available on the Council's website. Consideration has been given to the impact of the development on the wider highway network and the immediate areas within and adjacent to the site. Particular consideration is given to the impact on Barkby, Barkby Thorpe and Thurmaston, and to the provision of the proposed Northern Link Road. The County Highway Authority consider its advice robust and in accordance with current planning and transport guidance. It has recommended that subject to conditions and obligations in the Section 106 agreement, there are no highway reasons to refuse this application.

Given the comprehensive and thorough nature of the assessment included within the response of highway consultees it is not considered that there are any highway reasons on which to recommend refusal of this application subject to appropriate planning obligations and planning conditions being included within any approval.

### 4. The impact of the proposal on flooding risk

The applicant has undertaken a flood risk assessment and site specific modelling work. The scheme has also been amended to exclude development within Flood Zone two. The Environment Agency and Seven Trent have carefully considered this data and do not object to the proposal on flooding grounds. Suitable conditions are proposed to be attached, in particular regarding sustainable drainage techniques together with foul water details to be submitted and Seven Trent have been informed of the Environment Agency's comments. As such there are not considered to be any further flood risk concerns.

#### 5. The effect of the proposal on heritage assets

In assessing this application proposal special attention has been paid to the desirability of preserving or enhancing the character or appearance of relevant heritage assets. The impact on heritage assets has also been considered within the Environmental statement. The Councils Conservation Officer, its own local expert, considers the assessment to be sound. The environmental assessment concludes that the impact of the proposed development would represent less than substantial harm to a limited number of heritage assets earlier in this report. The impacts on the majority of built heritage assets would be negligible. English Heritage who has access to the assessment has made no objection. The key consideration is perhaps the impact upon the setting of the Hamilton Deserted Medieval Village outside the site to the south-east and to a lesser extent the Roman Villa Scheduled Ancient Monument which is further away. However the developed edge is approximately 400 metres to the north-west of the medieval village and an area of open space, where additional planting is proposed, separates the site. The proposal is not likely to have any greater impact upon its setting than the existing housing has at Hamilton and the impact is considered to be negligible. Pursuant to the duty under the Planning Acts any harm to designated heritage assets (such as the conservation areas and the listed buildings) is given considerable importance and weight even where this is less than substantial harm.

Concern is raised in response to the consultation on the application regarding the impartiality and robustness of the Archaeological assessment given by ULAS to the Council and reference to not using the Leicestershire County Council Archaeological advisor. ULAS is an acknowledged local expert. Agents often have to represent customers who may at one time share or oppose interests, this should not preclude impartiality.

ULAS assessment is reported in some detail earlier in this report. It indicates a proper assessment which advises the Borough Council that the assessment is sufficient and in accordance with guidance in the NPPF, to grant planning permission provided suitable conditions are attached. Therefore subject to conditions the impact on heritage assets as considered in the Environmental statement is considered to be acceptable and in accordance with the National Planning Policy Framework.

#### 6. The effect on the landscape character of the site and surrounding area

The site is within open countryside, largely in agricultural use. The saved Borough of Charnwood Local Plan indicates a small section to be within the Green Wedge and a small area within an Area of Particularly Attractive Countryside (APAC) (Policy CT/7 of the saved local plan). However, the remaining developed area is in open countryside having no other special landscape status.

The Masterplan and Parameter plans have been developed with a significant green buffer area to reduce any impact the development is likely to have on Barkby and Barkby Thorpe perhaps the most sensitive in landscape character.

The applicant's Environmental Impact Assessment identifies the most significant area affected as being the area in which development is proposed which is perhaps unsurprising particularly with a development of such scale. However the SUE will be seen against the existing developed backdrop and will create a managed edge of settlement unlike the somewhat abrupt edge that currently exists. There to the east is an area of higher land. Concerns raised here have resulted in additional tree-planting in order to break up the potential for a dominant development on rising land.

Appeal decisions on sites with more sensitive status (larger sections of Areas of Particularly Attractive Countryside (APAC) land) have indicated that planning inspectors give little weight to this policy when balancing the impact of the benefit of meeting housing supply needs against the harm caused to areas of open countryside with APAC status.

In the context of the results of the applicant's Visual Impact Assessment, which seems sound in conclusions, when considered with the landscaped protection proposed to the more sensitive areas, and the recent views of planning inspectors on arguably more sensitive sites, it is considered that any harm caused to the landscape of the site and the surrounding area would not be sufficient to merit refusal of this application.

#### 7. The effects on ecology.

The applicant has undertaken a Habitat survey and neither Natural England nor the Council's Senior Ecologist raise objections. Much of the site has been worked agricultural land. The effect of the proposals on the features and species identified from the residual impact of development will be neutral or positive. A range of mitigation measures have been required by planning conditions. Therefore as no significant harm is identified and the proposal is considered to accord with the aims of Paragraph 118 of the NPPF.

#### 8. The impact on the residential amenity of nearby occupiers.

Residents that live alongside a development of such scale, or within the development area itself, will inevitably experience disturbance for a period of time from construction works. However planning conditions are attached to seek to keep this to a minimum. Existing housing on the eastern edge will lose open aspects and in time abut

development. However all developments will require further permissions and will be expected to comply with Charnwood's existing separation standards. The parameter plans also establish limits on the nature and location of development. It is therefore considered that acceptable standards of amenity will be maintained and achieved. Issues of noise generation and air quality have been addressed in the Environmental Statement. Given these safeguards the application is considered capable of safeguarding residential amenity.

#### 9. The quality and design of the development

Final design will be subject to further applications. Nevertheless parameter plans are to be determined and a planning condition seeks to require the detailed applications to adhere with the Design and Access Statement. The applicant's Design and Access Statement indicates how the design of the indicative Masterplan evolved. It indicates stages of refinements from workshops run with the assistance from ATLAS (Advisory Team for Large Applications) a team sponsored by the Department for Communities and Local Government to assist local authorities. A Design Review was undertaken by an independent company 'OPUN' which highlighted areas where improvements could be made.

This led to the current Masterplan. Advice from OPUN led to the following elements being incorporated within the proposals:

- Character areas were re-appraised and included the local centre, Main Street and the creation of separate villages north of Hamilton.
- Placemaking aims for the design of the Spine Road which includes 20mph areas in the District Centre along with arrival Squares
- The use of views towards St Mary's Church,
- Improved links into the eastern edge of existing communities to integrate the development and improve access
- Smaller areas of employment to be mixed with the District and local centres

The applicant together with consultants undertook a Building for Life assessment which considered that the development was capable of resulting in a good score (with outline schemes there are numbers of unknowns). It is considered that the application has demonstrated that the proposed development of this site can achieve high quality design and therefore accords with design guidance within the NPPF.

#### 10. The impact of the proposal on geological and mineral resources

The Minerals Authority has not identified any significant impact and has no objection to the application in respect of mineral sterilisation.

#### 11. The retail impact.

The applicant included a retail impact assessment with the application. Following discussions with the Borough Council supplementary information was submitted. The NPPF states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused. This clearly outlines the tests that should be applied to proposals for retail development.

The Retail Assessment, together with the addendum, concludes that the proposed development accords with the sequential approach, and would not have a significant adverse impact on either town centre vitality and viability, including local consumer choice and trade, or on planned investment. The Retail Assessment also explains the nature and scale of facilities needed to meet the needs of the SUE and discourage shopping trips to locations outside the SUE, especially by car. The development represents sustainable development, as defined by the NPPF.

This has been assessed by consultants on behalf of the Council. The conclusion is considered to be a robust assessment and therefore the proposal in retail terms accords with guidance within the NPPF.

Conditions are attached to control the nature and scale of the retail facilities proposed to ensure the retail centres meet the needs of the SUE and to address potential impacts on existing centres, including in Leicester City.

## 12. The effect on the loss of agricultural resources including Best and Most Versatile Land

The application results in the loss of 19.7 hectares of Class 3a agricultural land which is considered to be within the Best and most versatile land category. The applicant has identified this land and has proposed a Soil Handling Strategy in order to make positive use of high quality soil within the development. However the 19.7 hectares as indicated in the EIA does not all sit within the area to be developed as the known areas include a parcel in which tree-planting and the landscaped buffer between the housing and Barkby is proposed. Also part sits in the area proposed for the Secondary School indicated as sports pitches. Therefore not all of the 19.7 hectares will be built upon.

Nevertheless there will be a degree of loss incurred. The total area identified represents 5.4% of the overall site area. Given the scale of development, the otherwise sustainable credentials of the development site in question, the evidence base in terms of the sustainability of the site, the fact that some of the land will not be developed and the applicant's proposes mitigation, and that the overall benefit of a comprehensively planned development, the loss of this extent of Best and most versatile agricultural land is not considered to outweigh the benefits provided in housing delivery.

### 13. The provision of housing to meet local needs

The tenure split agreed by the applicants with regard to affordable housing is in line with the evidence of need set out in the Leicester and Leicestershire Strategic Housing Market Assessment (2014), which is reflected in the draft Core Strategy policy.

Whilst a total provision of 30% affordable housing was sought on the site, officers consider that the mix of affordable housing provided at 25% will better meet the needs of the community. In particular the mix provides a range of provision suitable for the Borough aging population with including ground floor flats, bungalows and a 60 unit Extra Care scheme. The mix also includes a greater proportion of houses (rather than flats) than it is necessary to provide to meet the quantitative housing needs of the Borough and this has been found to better meet the aspirations of people of the Council's housing register.

This scale of Extra Care provision is in line with the County Council's advice that provision should be for no less than 50 units to make them successful in providing the associated ancillary uses. Two thirds of the units provided for are two bedroom apartments and one third is one bedroom apartments.

Overall the applicant has agreed to a mix of affordable homes which increases the size of properties that will be provided compared to a mix which met the basic quantitative need of the Borough. The provision of bungalows and Extra Care reduces the overall quantity of affordable homes provided. If the Extra Care was provided as standard apartments for example, 90 flats could be achieved instead of 60. However the proposal is in this instance considered to be a satisfactory proposal able to meet the identified need from the evidence base.

The applicant is also proposing to provide a site of 1.1 hectares for the gypsy and travelling community. The emerging Core Strategy policies CS5 and CS19 seek to deliver facilities for the community by requiring a site for 4 permanent pitches gypsies and travellers at each allocated sustainable urban extension, as well as a site for 4 show people plots. The proposed 1.1 hectares of land to meet these policy aspirations could be secured via relevant provisions within a Section 106 legal agreement as set out in section 14 below. The site shown on the parameter plan is indicated at the periphery of the development. It is considered that this element of the scheme needs to be refined through further detailed design at the reserved matters stage so as to secure an integrated scheme in line with the government's Planning Policy for Traveller Sites (March 2012).. A separate planning permission will be required for delivery of the gypsy & traveller site to discharge the section 106 planning obligation.

### 14. The effect on community infrastructure and services

Given the scale of the development proposed there is a wide range of associated community infrastructure and services to be provided. The following requests and

provisions are considered to be compliant with the Community Infrastructure Levy Regulations and are proposed to be included in any Section 106 agreement:

1. Affordable Housing – 25% of homes will be affordable (80% Affordable Rent/20% Intermediate). Mix includes a focus on family accommodation, bungalow provision and an affordable extra care scheme
2. Gypsy and Traveller provision – 1.1 hectares of land to be provided to accommodate 4 gypsy and traveller pitches and 4 show people plots in accordance with design details that shall include details of pitch measurements, layout, landscaping and boundary treatment. The approved scheme to be implemented in accordance with the approved details prior to occupation of the 1000<sup>th</sup> dwelling unless otherwise agreed with the Local Planning Authority. Any planning permission does not approve the indicative location provided on the submitted plans, and a separate permission will be required for discharge of the s.106 obligation.
3. Education – Primary – Provision for 1080 Pupils through a Contribution for 30 places off-site and 5 forms of entry in two/three schools within the SUE
4. Education – Secondary – Provision for 752 Pupils through the relocation of Roundhill Academy into the SUE on the reserved site (the preferred option) or the extension of Roundhill Academy on the existing site or the creation of additional capacity in a new secondary school within the SUE (with a maximum total contribution or value in kind for any option of £13,426,791)
5. Education – Post 16 – Provision for 149 Pupils within new education facilities within the SUE or a Contribution for off-site places (with a maximum total contribution or value in kind for any option of £2,870,193.10)
6. Playing Fields – An obligation to secure the relocation of the existing Roundhill Playing Fields
7. Library – Facility within the SUE, or a Contribution up to £273,100
8. Civic Amenity – Contribution of £209,250 to increase capacity at Mountsorrel Civic Amenity Site
9. Leicestershire Police – Contribution to be agreed.
10. Health Facilities – Provision of New Facilities within the SUE or contributions to the expansion of existing facilities in the local area (with a maximum total contribution or value in kind £2,259,576)
11. Transport measures and highway works, including:
  - I. New junctions on the A607 and Melton Road
  - II. North west Link
  - III. Southern Access Road
  - IV. General improvements to the principal routes in the County and City
  - V. New Spine Road linking Barkby Thorpe Road and Lane
  - VI. Traffic gateway and speed restrictive measures in Barkby and Barkby Thorpe
  - VII. New and Improved Cycle Links, including to Leicester City Centre
  - VIII. A regular review mechanism
12. Travel Plans – for the residential, education and employment uses
13. Open Space and Green Infrastructure, including:

- VIII. Play Facilities - 7 sites for children and 7 for young people (total 0.56ha) and to provide a Children and Young Persons Strategy/Statement.
- IX. Parks – 48 ha
- X. Natural and Semi Natural Greenspace, including woodland – 61ha
- XI. Amenity Greenspace (informal spaces within new neighbourhoods) – 6ha
- XII. Formal and Informal Outdoor Sports Facilities – 29 ha
- XIII. Allotments – 4 ha
- XIV. Orchards
- 14. Burial Space – 0.6 ha (on- or off- site)
- 15. Community Facilities – including a community hall/hub. Applicant to provide Community Facilities Strategy
- 16. Community Development Worker temporary workspace facility

With regard to the Policing Contribution, to be lawful infrastructure obligations must meet all of the following tests, which can be taken into account in granting planning permission it must be:

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

Charnwood Borough Council have previously followed a Counsel opinion from David Elvin QC (April 2014) circulated to councils in Leicestershire. However since further planning decisions have been made this has been updated in July. Since the latest David Elvin opinion the Leicestershire Police have received an opinion from Ian Dove QC which contests the views of David Elvin QC. The Police have provided its background spending data to fully inform the applicant/CBC of how it arrives at its position. There is an evidenced funding deficit which currently exists and the police are seeking contributions to meet the shortfall created by the development. The applicant is now fully aware of the latest position and is understood to be seeking further legal opinion on this matter.

In addition, the Council has guidance on appropriate Section 106 Developer Contributions through the Supplementary Planning Document (adopted in 2007) which does consider policing requests and states the following:

- Type of facilities for which provision may be needed - Sites for police stations, erection costs of new police stations and contribution towards additional office/other building provision at existing police stations.

This local guidance is therefore also a material planning consideration in determining what is necessary in order to grant planning permission in planning terms.

However to give the proper consideration of CIL compliance, discussions remain ongoing and await further legal representation from the applicant on the request for

police contributions. A detailed view will therefore be included in the extras report to Plans Committee taking account of the latest advice.

## **Other issues**

### Consideration regarding the suggestion of a reduced scheme.

Local concern has been raised regarding in particular the scale of development proposed, its deliverability due to the applicant not owning 100% of the application site( it should be noted that the applicant will have control of over 90% of the developable area), and a preference for smaller developments and a suggestion that a reduction of the scale proposed by up to 2,000 houses.. However, the Council is determining the application as is currently proposed and it would not be possible to grant planning permission for a much smaller area. It is considered that the scale of development proposed is appropriate

The application for David Wilson Homes for up to 150 houses (P/13/1716/2) is the subject to a legal challenge. The Borough Council as local planning authority has considered it prudent not to determine that application until the legal challenge is determined. However the challenge does not relate to the application for the SUE.

In addition to the David Wilson Homes application, Bellway Homes are also seeking planning permission for part of the site. These applications are of very limited relevance to this application. If the SUE application is acceptable, as officers consider it is, then it should be approved. The other two applications are incompatible with the detail of the SUE scheme (one proposing housing where employment land is identified; the other putting housing on a link road route). It is permissible for several inconsistent planning permissions to exist on the same land provided that they are not all built out. They do not provide alternatives to the SUE scheme, either individually or as a pair, as they are far smaller. They could only have any weight in the determination of the present application if the SUE scheme was harmful and the smaller proposals were significantly better for their locations and the SUE area as a whole. Any weight that could properly be given in this scenario in the event of harm caused by the SUE would need to be weighed against the overall benefits of the SUE to determine whether this was sufficient reason to result in a refusal. It is not considered that these applications are preferable.

On 13 February 2014, Cabinet resolved in principle to use Compulsory Purchase Order powers to acquire or appropriate land within the SUE. The principal reason given to the use of the powers is to enable and support the comprehensive delivery of the SUE and to ensure the physical infrastructure required to support the proposed housing and employment growth is delivered.

Commercial Estates control some 90% of the application site. Given the scale and long term nature of the project that is not an unusual situation, and the expectation would be that the remaining land would be acquired in due course, whether by agreement or under compulsory powers. Planning conditions can be applied to the whole of the

application site, whether controlled by Commercial Estates or not. Planning obligations can only bind the land owned by those parties who sign it, but it is not necessary for all of the application site to be bound by a planning obligation at this stage. It is important that any part of the development can only proceed if the infrastructure relevant to it is provided. Negative conditions or obligations can prevent such premature development. Since these may be complex, authority is sought for officers to finalise the conditions.

## **Conclusion**

Having regard to the Environmental Statement and other environmental information, the method of assessment is considered sound and robust. Potential environmental effects have been appropriately addressed and can be adequately mitigated subject to the recommended conditions and obligations within the section 106 agreement. Although the application is contrary to various provisions within the development plan, it is considered that the range of material considerations that have been identified in the assessment of the development should be given significant positive weight in the planning decision-making process.

As set out in the Principle of Development paragraphs of the Considerations of the Planning Issues section of this report, the development proposal is considered to be contrary to various saved policies of the adopted Local Plan. There are also various policies within the Local Plan that are out-of-date and can therefore be given little weight in the determination of this proposal when considering the more up-to-date context, and significant material weight, that can be accorded to the provisions of the National Planning Policy Framework.

The limited harm to designated heritage assets identified in assessing the proposal will be less than substantial. This nevertheless needs to be given importance and weight and there is a negative presumption against granting permission where harm will be caused.

Limited weight can be given to policies within the emerging Core Strategy. However weight can be given to the evidence base upon which the policies are based and the housing need demonstrated. The Borough Council at this time cannot demonstrate a 5 year supply of deliverable housing land and has consistently underperformed in previous years. This development would provide a significant contribution (955 dwellings) towards the 5 year housing land supply. It represents a comprehensively planned proposal of a scale capable of providing essential infrastructure necessary for a Sustainable Urban Extension. The Council's evidence base considers the site to be sustainable. This is an important material consideration that can be given weight in making a decision on the proposals.

The application has also been assessed against the relevant provisions of the NPPF in this regard and is similarly considered to be a sustainable form of development. This can therefore be given significant weight as a material consideration in the planning balance when determining this application.

It is acknowledged that there is significant local opposition to the scheme, and this must be taken into account appropriately when reaching a decision on the application. The application has sought to comply with emerging policy unlike other schemes for developments outside development limits, such as Melton Road, Barrow, Bramcote Road in Loughborough, Cropston Road in Anstey, to name but a few, which have recently come forward due to the prevailing land supply shortfall. This has raised challenging impacts on infrastructure to existing communities. It is considered that for this planning application, proposing a comprehensively planned, sustainable development including benefits such as schools, a district centre, a wide choice of housing, a significant and immediate contribution to the Council's land supply and other infrastructure contributions, clearly outweighs any resulting harms that have been identified. The application is therefore recommended for approval as set out below.

### **Recommendation A**

To grant planning permission subject to the referral to the Secretary of State in accordance with the Circular (02/2009) and T&CP (Consultation) (England) Direction 2009, regarding the provision of a 20,000m<sup>2</sup> gross retail floorspace outside a Town Centre.

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure infrastructure improvements, on terms to be finalised by them, as set out below:

Affordable Housing – 25% of homes will be affordable (80% Affordable Rent/20% Intermediate). Mix includes a focus on family accommodation, bungalow provision and an affordable extra care scheme

Gypsy and Traveller provision – 1.1 hectares of land to be provided to accommodate 4 gypsy and traveller pitches and 4 show people plots in accordance with design details that shall include details of pitch measurements, layout, landscaping and boundary treatment. The approved scheme to be implemented in accordance with the approved details prior to occupation of the 1000<sup>th</sup> dwelling unless otherwise agreed with the Local Planning Authority. Any planning permission does not approve the indicative location provided on the submitted plans, and a separate permission will be required for discharge of the s.106 obligation

Education – Primary – Provision for 1080 Pupils through a Contribution for 30 places off-site and 5 forms of entry in two/three schools within the SUE

Education – Secondary – Provision for 752 Pupils through the relocation of Roundhill Academy into the SUE on the reserved site (the preferred option) or the extension of Roundhill Academy on the existing site or the creation of additional capacity in a new

secondary school within the SUE (with a maximum total contribution or value in kind for any option of £13,426,791)

Education – Post 16 – Provision for 149 Pupils within new education facilities within the SUE or a Contribution for off-site places (with a maximum total contribution or value in kind for any option of £2,870,193.10)

Playing Fields – An obligation to secure the relocation of the existing Roundhill Playing Fields

Library – Facility within the SUE, or a Contribution up to £273,100

Civic Amenity – Contribution of £209,250 to increase capacity at Mountsorrel Civic Amenity Site

Leicestershire Police – Contribution to be agreed.

Health Facilities – Provision of New Facilities within the SUE or contributions to the expansion of existing facilities in the local area (with a maximum total contribution or value in kind £2,259,576)

Transport measures and highway works, including:

- IX. New junctions on the A607 and Melton Road
- X. North west Link
- XI. Southern Access Road
- XII. General improvements to the principal routes in the County and City
- XIII. New Spine Road linking Barkby Thorpe Road and Lane
- XIV. Traffic gateway and speed restrictive measures in Barkby and Barkby Thorpe
- XV. New and Improved Cycle Links, including to Leicester City Centre
- XVI. A regular review mechanism

Travel Plans – for the residential, education and employment uses

Open Space and Green Infrastructure, including:

- XV. Play Facilities - 7 sites for children and 7 for young people (total 0.56ha) and to provide a Children and Young Persons Strategy/Statement.
- XVI. Parks – 48 ha
- XVII. Natural and Semi Natural Greenspace, including woodland – 61ha
- XVIII. Amenity Greenspace (informal spaces within new neighbourhoods) – 6ha
- XIX. Formal and Informal Outdoor Sports Facilities – 29 ha
- XX. Allotments – 4 ha
- XXI. Orchards

Burial Space – 0.6 ha (on- or off- site)

Community Facilities – including a community hall/hub. Applicant to provide Community Facilities Strategy

Community Development Worker temporary workspace facility

## **Recommendation B**

That subject to the completion of the agreement in A, permission be granted subject to the following conditions with authority given to the Head of Planning and Regeneration and the Head of Strategic Support to vary (including add to or delete) the conditions approved insofar as is necessary.

This permission is granted subject to the following Conditions and Reasons why they have been imposed

### Conditions

1. The first phase or parcel of development hereby permitted shall commence within five years from the date of this permission, or before the expiration of two years from the date of the approval of the first of the reserved matters, whichever is the later.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The first application for approval of reserved matters for the first phase or parcel of development shall be submitted no later than three years from the date of this permission and all subsequent reserved matters applications shall be submitted by no later than fifteen years from the date of this permission.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Details of the appearance, landscaping, layout, access to and scale ( "the reserved matters") of the relevant phase or parcel of development shall be agreed in writing by the Local Planning Authority. The reserved matters detailed shall be in accordance with approved parameter plans listed in Condition 7. The development shall be carried out in accordance with the approved details.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to the approval of the first reserved matters application, a Site Wide Phasing Programme shall be submitted to and approved in writing by the local planning authority. The phasing details shall include details of:
  - i development areas or parcels (including broad areas, range of residential unit numbers and/or floorspace of non-residential uses);
  - ii structural open spaces (land to be defined on a plan)
  - iii alignment of main street including width and materials;
  - iv framework for SUDs infrastructure including routes and main retention ponds
  - v interface zones, where development areas or parcels adjoin
  - vi timing of provision related to development

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

5. Prior to the commencement of development on any development parcel adjoining an interface zone, clarification of which development parcel includes the following details, as appropriate to the interface, shall be approved in writing by the Local Planning Authority:
  - i access route (road, footpath and/or cycleway)
  - ii open space
  - iii landscape features
  - iv play space
  - v links to existing rights of way

Where responsibility for an interface is to be shared, landscape (hard and/or soft) design principles of the whole zone shall be approved by the local planning authority prior to commencement of any adjoining development parcel.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

6. The reserved matters applications for phases or parcels which include the District or a Local Centre (in part or whole) shall include details of the floorspace allocated to retail and non-retail uses within that Centre. In accordance with the approved Site Wide Phasing Programme, the details shall identify the timing of the completion of the floorspace for retail/non-retail uses and set out how the total floorspace of each use would be distributed within the Centre.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

7. The development shall be carried out only in accordance with the approved details, including those provided on detailed drawings [**drawing numbers**] and the parameter plans [**drawing numbers**]

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development and for the avoidance of doubt.

8. No development shall take place within each phase or parcel of development, including any works of demolition, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the overall strategies 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. Location of Contractor compounds
- v. Screening and hoarding details
- vi. Wheel washing facilities
- vii. An area wide review of speed limits and weight restrictions
- viii. Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials.
- ix. The means of access and routing for demolition and construction traffic
- ix. Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- x. Temporary highway works

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

REASON: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement.

9. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that

for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the Local Planning Authority before development commences.

REASON: To ensure a satisfactory form of development and in the interests of highway safety.

10. No part of the development as approved shall be brought into use until details of an updated Framework Travel Plan have been submitted to and agreed in writing by the Local Planning Authority. The Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied.

REASON: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4 'Promoting Sustainable Transport' of the NPPF 2012.

11. In accordance with the agreed Phasing Programme, prior to the occupation of each phase a Residential Travel Plan, in accordance with the Framework Travel Plan, shall be submitted to and agreed in writing by the Local Planning Authority. The measures approved shall thereafter be provided in accordance with the approved Plan

REASON: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4 'Promoting Sustainable Transport' of the NPPF 2012.

12. In accordance with the agreed Phasing Programme, prior to the occupation of each phase an Employment Travel Plan in accordance with the Framework Travel Plan, shall be submitted to and agreed in writing by the Local Planning Authority. The measures approved shall thereafter be provided in accordance with the approved Plan..

REASON: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4 'Promoting Sustainable Transport' of the NPPF 2012

13. Prior to the occupation of the 2355<sup>th</sup> dwelling within the development the Northern Link Road, as indicated on the indicative Masterplan submitted in support of the application connecting the A607 to the proposed Spine Road, shall be completed and available for use as public highway. REASON In the interests of highway safety and to ensure the development is delivered in accordance with the approved scheme.

14. Prior to the occupation of the 1,265<sup>th</sup> dwelling the mitigation measures agreed pursuant to the Phasing and Review Programme to the A607/Melton Road/Barkby Thorpe Lane (Junction 5) and the ASDA/Barkby Thorpe Lane/retail park (Junction 29) roundabouts shall be implemented in full, unless the Northern Link Road has been completed at that time.

REASON In the interests of highway safety and to ensure the development is delivered in accordance with the approved scheme.

15. In accordance with the agreed Phasing Programme, prior to the occupation of each phase a school travel plan in accordance with the Framework Travel Plan, shall be submitted to and agreed in writing by the Local Planning Authority. The measures approved shall thereafter be provided.

REASON: To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

16. No development shall commence until details of the pedestrian/cycle links between the development and the eastern edge of Thurmaston have been submitted to and agreed in writing by the Local Planning Authority. The links so approved shall be provided in accordance with the agreed Phasing Plan.

REASON: To ensure that there is adequate permeability from the site to surrounding residential areas to encourage sustainable modes of transport.

17. Notwithstanding the details in the submitted Bus Strategy, Framework Travel Plan and Transport Assessment, and in accordance with an agreed Phasing Programme, a Public Transport Scheme shall be submitted to and approved in writing by the Local Planning Authority and the County Highway Authority to include full details of the proposed destinations, routes, days and hours of operation, frequency and duration of provision of daily bus services to serve the development. The bus services shall be provided thereafter by the developer in accordance with the approved details until such time that the said services become commercially viable.

REASON: To ensure high quality frequent public transport choice for all new residents from early occupation in order to encourage modal shift.

18. The reserved matters and details submitted under Conditions 3, 4 and 5 shall be in accordance with the principles and parameters described and illustrated in the Design and Access Statement dated December 2013 and the approved Parameter Plans forming part of this planning permission.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

19. Notwithstanding the details of the location of the gypsy and travellers site detailed on the approved plans, this permission gives no approval to the location indicated. The location of the site to be reserved for the gypsy and travellers site shall be subject to approval by the local planning authority and included as part of the reserved matters applications to be submitted in accordance with the conditions attached to this permission.

REASON: To give further consideration to achieving a sustainable location in accordance with principles within the NPPF.

20. 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 two treatment trains to help improve 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. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / 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.

21. No development approved by this planning permission shall take place until such time as a scheme for the soffit of the road bridge to be set at 63.11mAOD (N) (600mm above the modelled 100 year & climate change flood level) and abutments to be set back a minimum of 1 metre from each bank-top has been submitted to, and approved in writing by, the local planning authority.

REASON: To reduce the risk of flooding to future users.

22. In sub area 12, finished floor levels are to be set no lower than 600mm above adjacent ground levels.

REASON: To reduce the risk of flooding to the proposed development from groundwater and overland flow.

23. In sub-areas 5,6,10 and 11, finished floor levels are to be set no lower than 450mm above adjacent ground levels.

REASON: To reduce the risk of flooding to the proposed development from the Barkby Brook.

24. In sub-area 7, finished floor levels are to be set no lower than 300mm above adjacent ground levels.

REASON: To reduce the risk of flooding to the proposed development from the Barkby Brook.

25. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the protection of controlled waters. The submitted Phase 1 site investigation report does not identify any areas of suspected contamination; however it highlights the possibility that areas may be discovered during the development. These areas will need to be investigated and dealt with if they are discovered.

26. Each phase or development parcel shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority in consultation with Seven Trent Water Authority. The scheme shall be implemented in accordance with the approved details before each phase or development parcel is brought into use.

REASON: In order to secure satisfactory means of drainage.

27. Prior to commencement of the southern access road (south of the Southern Gateway), details of the design of the bridge over Melton Brook shall be submitted to and approved in writing by the local planning authority.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

28. Prior to commencement of the southern access road (south of the Southern Gateway), a lighting scheme for the highway corridor (i.e. the vehicle carriageway and the adjacent footpath/cycleway where present) shall be submitted to and approved in writing the local planning authority.

REASON: In the interests of highway safety.

29. The residential development hereby permitted shall not comprise more than 4,500 dwellings (C3 and C2 use)

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

30. No more than 8,800 square metres gross of B1(a) and B1(b) office employment floorspace in total shall be provided across the employment land.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

31. The maximum amount of Class A floorspace in the District Centre shall not exceed 17,000 sq metres gross and in the Local Centres shall not exceed 3000sq metres gross in total.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

32. Within the District Centre, the large convenience store shall not exceed 4,500sqm gross, no more than five units shall be between 500sqm and 1000sqm gross floorspace, at least ten units shall be less than 500sqm and at least ten units shall be less than 250sqm gross. Within each Local Centre, no more than two units shall be between 250 and 500sqm gross, and at least four units shall be less than 250sqm gross.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

33. In accordance with the approved Site Wide Phasing programme, each reserved matters submission shall include an up to date reconciliation table which identifies the cumulative total floorspace for and the floorspace/units proposed in the phase or parcel to monitor how the total floorspace and residential units which are being developed relate to the overall planning permission.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

34. For each Reserved Matters application, details of the following shall be submitted to and agreed by the local planning authority:
- Internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths, cycleways, and bridleways
  - Confirmation of the scope and timescale for the implementation of off-site highway infrastructure including highway improvements and where required the undertaking of Road Safety Audits, the progressing of Traffic Regulation Orders and other consultation processes.
  - The delivery of public transport services and accompanying infrastructure within the site and external to the development to include but not be limited to: bus stops (within a maximum 400m walking distance of each dwelling within the development); bus shelters, bus prioritising measures at signalised junctions, Real Time Information, raised kerbs, lighting and timetable information.
  - The submission of a timescale and mechanism for the stopping-up, diversion and re-classification of Public Rights of Way affected by the development, as necessary in agreement with the highway authority.

REASON: To provide clarification on how the development will be delivered to assist determination of reserved matters and to ensure that necessary infrastructure provision is provided in time to address the impact and needs of the development.

35. Prior to the commencement of development of the Southern Access Road, full details of the hard and soft landscaping works to Hamilton Country Park and land south of Melton Brook, including the phasing and timing of works, within the planning application site will be submitted to and approved in writing by the Local Planning Authority. The hard landscaping details shall include proposed finished ground levels or contours; means of enclosure; hard surfacing materials, minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc). The soft landscape works details shall include planting plans; written specifications; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; implementation plan.

The landscaping schemes will be in accordance with the principles set out in the Landscape Framework Plan (December 2013). Within the Park, the following will be included:

- Footpaths/cycleways
- Tree Planting (both avenues and stands)
- Grassland and wildflower meadows
- Fencing
- Shrub Planting

Within the Natural and Semi Natural Open Space the following will be included between Hamilton and Melton Brook:

- Trees and Hedgerows
- Wildflower Meadows
- Scrapes to create wetlands
- Two bridges across the brook (for pedestrians/cyclists only)
- Grassland

Within the Natural and Semi Natural Open Space the following will be included between the southern access road and the western boundary:

- Wildflower meadows and grassland
- Tree planting
- Fencing/means of enclosure to areas of ecological interest

Within the Park, the details for the reshaping and landscaping of the lake will include:

- Footpaths/steps/cycleways
- Bridge/broadwalk across the lake
- Trees/shrubs
- wildflower meadows/grassland
- Levels
- Retaining structure and fencing/means of enclosure

All hard and soft landscape works shall be carried out in full accordance with the approved details. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development.

36. Notwithstanding the submitted Green Infrastructure Study and Environmental Statement dated December 2013, no development shall commence until a Site Wide Green Infrastructure and Biodiversity Management Strategy has been submitted to and agreed in writing by the Local Planning Authority. The submitted Strategy shall include details of how the Green Infrastructure within the site functions in terms of:

- the protection and enhancement of biodiversity including measures to mitigate against the impact of the development within areas identified as ecologically sensitive in the Environmental Statement and supporting documents;
- how mitigation measures set out in the attached mitigation schedule will be implemented;
- planting and landscaping design;

- the retention of trees, hedgerows, woodlands, ponds, watercourses and other existing natural features;
- principles of public access to and through green infrastructure including the approach to the provision of a linked network of routes and green spaces extending to the wider countryside;
- the provision of recreational uses within the open space; management and maintenance of all aspects of Green Infrastructure and details of monitoring/environmental audits.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development and to ensure the protection of biodiversity.

37. Prior to the commencement of development a Public Open Space Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include detail of the following items:.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development

38. Prior to any development commencing a Landscape and Ecology Management Plan (LEMP) will be submitted and approved in writing by the Local Planning Authority that will address the following and such LEMP shall be implemented as approved:

- The vision for the ecological and landscape aspects of the development (in accordance with the Design and Access Statement and Landscape Framework Plan).
- Evaluation and objectives
- Ecological Management and Enhancement for each of the following terrestrial habitats;
  1. Woodland/hedgerows
  2. standing water/scrapes
  3. Grasslands/wildflower meadows iv. shrubs
- Species Management and Enhancement:
  1. Bats
  2. Invertebrates
  3. Birds
- Education, interpretation of and access to ecological areas (including provision of information boards)
- Management of the landscape/planting submitted in accordance with condition X [the draft condition above].
- Monitoring of the development will be undertaken in accordance with the approved details and timing of the LEMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development and to ensure the protection of biodiversity.

39. No development, including site works, shall begin on a phase or parcel until any existing trees within the relevant area of the phase/parcel have been identified and, if identified for retention, protected in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree to be retained 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: To make sure that existing trees are appropriately protected.

40. No dwelling shall be occupied until a Waste Management Strategy for the relevant phase or sub phase has been submitted to and approved in writing with the Local Planning Authority. The Waste Management Strategy shall set out the overall strategies for:

- the anticipated nature and volume of waste;
- measures to ensure the maximisation of the reuse of waste;
- details of the provision of temporary and permanent neighbourhood recycling bring bank facilities within that phase of development to include position, design, layout and facilities to be provided;
- a timetable for the implementation of the temporary and permanent recycling bring bank facilities and a statement of how this accords with the approved phasing plan;
- details of the provision of waste user guides for all new residents;
- a review mechanism to ensure that waste management facilities are available in suitable locations, to ensure that facilities are available to serve the development as it progresses and the volume of waste is in accordance with that anticipated.

REASON: To make sure that the development provides sufficient provision for the storage and management of waste.

41. In accordance with the agreed Phasing Programme, no development shall take place within each phase or parcel until a Construction Environmental Management Plan (CEMP) for that phase or parcel has been submitted to and approved in writing by the local planning authority. The CEMP shall set out the overall strategies for:

- The parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- location of contractor compounds;
- Screening and hoarding details;
- Wheel washing facilities;
- An area wide review of speed limits and weight restrictions;
- Hours of operation (the details shall include the hours of construction and the hours of the loading/unloading of materials);
- The means of access and routing for demolition and construction traffic;
- Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction.
- A contact line for local residents
- Concrete batching plants
- Bunding of liquids

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for that phase of development to which to relates.

REASON: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement.

42. No development shall take place/commence until a programme of archaeological work for the relevant phase or parcel including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and record
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

- No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

REASON: To make sure that any heritage assets are appropriately recorded and/or protected.

43. The northern western road link and any resulting works to the existing Roundhill playing fields shall not commence until replacement school playing facilities for the secondary school provision have been provided and are available for use.

REASON: In order to prevent the overall loss of playing field leading to reduction in opportunities for participation in sporting activities.

### Informative Notes

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies ST/1, ST/2, ST/3, EV/1, EV/20, EV/39, H/5, H/9, H/10, H/16, CT/1, CT/2, CT/3, CT/7, TR/1, TR/5, TR/13, TR/16, TR/17, TR/18, RT/3, RT/4, RT/5 and RT/12 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and the National Planning Policy Framework, have been taken into account in the determination of this application. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal and it does not fully accord with the terms of the above-mentioned policies, the degree of harm that might be caused to one or more of the issues arising under the policies, including harm to the character of the green wedge and countryside, highway safety, residential amenity and impact on heritage assets and to local infrastructure, are insufficient to warrant the refusal of planning permission.

The decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

In considering the grant of consent for works affecting the ordinary watercourse, in particular the bridge structure, the LLFA should take into account the possibility of the works affecting protected species (in particular white-clawed crayfish, water vole, otter) and as such determine whether or not up-to-date protected species surveys are required. It should be noted that where an ecological survey is greater than 2 – 3 years

in age updated surveys will need to be undertaken in line with Natural England guidance.

Maintenance of the bridge structure and the bank of the watercourse should also be given consideration and a decision made as to whether a clear area / buffer strip adjacent to the watercourse is required. The banks should remain as soft as possible with limited hard engineering such as steel piling and concrete.

### Alterations to the Highway

All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001)

The link road involves a bridge crossing over the Melton Brook which at this location is an ordinary watercourse. The works to carry out the bridge crossing will require the consent of the Lead Local Authority is Leicester City Council, the LLFA for the northern part of the bridge is Leicestershire County Council.

1. Note the presence of an Above Ground Installation (AGI) in proximity to your site. You must ensure that you have been contacted by National Grid prior to undertaking any works within 10m of this site.
2. Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
3. Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
4. Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and

GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

### Design Standards

Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development. Regarding detailed design of recreational facilities the applicant should be aware of the following:

- Buffer zones to the nearest property should be a minimum of 30 metres but for Skatepark, BMX track, MUGA, Youth Shelter and Park our facilities more generous buffer zones would be appropriate.
- Homezones and informal play and social opportunities

- The role of Homezones in providing informal play and social opportunities needs to be established in respect of the speeds, features, and spaces likely to be incorporated within a Homezone.
- Achieving speeds well below 20mph, perhaps as low as 10mph would be very helpful in achieving a perception of safety. An innovative mix of seating, SUDs, sculpture, planting, surfaces and occasional items of play would give residents both young and old the licence to use the space. Children and young people's travel - Safe traffic crossings and meeting points will encourage independent journeys through the development by children and young people. A supplementary document focusing on these age groups would draw out what the new residents would expect from the development, in these respects.

#### Compliance and the Children and Young person's Strategy/Statement

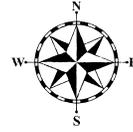
A Children and Young person's Strategy/Statement should demonstrate consistency with existing Borough council strategies.



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**Application No:** P/13/2498/2  
**Location:** North East of Thurmaston  
**Scale:** 1:25000

