

## Item No. 2

### Application Reference Number P/14/0393/2

<b>Application Type:</b>	Full Planning Permission	Date Valid:	28 <sup>th</sup> February 2014
<b>Applicant:</b>	David Wilson Homes East Midlands		
<b>Proposal:</b>	Erection of 101 dwellings with associated works and creation of cemetery.		
<b>Location:</b>	Land off Millstone Lane, Queniborough, Leicestershire		
<b>Parish:</b>	Queniborough, Syston	Ward:	Queniborough, Syston East
<b>Case Officer:</b>	Jacqueline Jackson	Tel No:	01509 634770

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The application site is located to the south of Queniborough, on the northern boundary of Syston and would be accessed off Melton Road and Millstone Lane. The application site is currently agricultural land and is situated outside the defined limits to development for Queniborough and Syston, within open countryside and is within an area defined in the saved policies of the Charnwood Local Plan as an 'Area of Local Separation'. Directly to the south-west and north-west of the site, are existing residential properties, with 1387, 1389, 1409, 1409, 1411 and 1413 Melton Road directly abutting the application site boundary. There is also an adopted public footpath which runs through the site.

The application seeks full planning permission for 101 dwellings with associated access, amenity space and drainage. The proposed dwellings range in design and include detached, semi detached and terrace properties, with the majority being two storey or two storey with accommodation within the roof space. However, the scheme also includes a number of single storey bungalows. The residential properties would be accessed from both Melton Road and Millstone Lane. Towards the north-east corner of the application site, adjacent to the existing footpath between Syston and Queniborough, the proposal includes a young child's equipped play area and associated public open space. The drainage features are located throughout the site with two balancing lagoons situated to the frontage adjacent to Melton Road. The application includes the provision of 30% affordable housing.

The application also seeks planning permission for the creation of a cemetery. This cemetery will provide a new cemetery facility for Syston and be located to the east of the application site. The final layout has been submitted for approval as part of the planning application.

The application is supported by the following documents which are available for review on the Council's Planning Explorer website;

- Planning layout combined (amended)
- Planning layout housing (amended)
- Planning layout cemetery (amended)

- Application form
- Site location plan
- Proposed floor plans and elevations
- Design and access statement, incorporating building for life analysis
- Flood risk assessment
- Heritage statement
- Ground report
- Ecological appraisal
- Transport statement
- Landscape and visual appraisal
- Heads of terms for section 106
- Planning statement
- Arboricultural report
- Statement of community involvement
- Landscape vision (revised)
- Landscape vision with phasing
- Cemetery Budget estimate.

#### Development Plan Policies and other material considerations

##### Borough of Charnwood Local Plan (adopted 12th January 2004) (saved policies)

Planning decisions must be made in accordance with the adopted development plan unless material considerations indicate otherwise. Policies in the adopted Charnwood Borough Local Plan are therefore the starting point for considering planning applications, although the weight accorded to these policies will depend upon the degree to which they are consistent with the National Planning Policy Framework (the Framework). Below I have identified the relevant policies from the adopted Local Plan;

Policy ST/1- Overall Strategy for Charnwood - This seeks to set 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 and to achieve sustainable development in a co-ordinated, comprehensive and consistent basis. It also states that, in identifying development needs of the Borough, measures will be taken to amongst other things to identify areas of Green Wedge and other open land necessary to preserve the separate identity of settlements and to ensure that as urban development takes place, undeveloped links to the countryside extending outwards from the urban areas are retained;

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 seeks to ensure that developers provide financial contributions for things which have an impact on related infrastructure or community facilities.

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

Policy EV/17 - Safety in New Development - The policy aims to secure improvements to ensure public safety in the design and layout of new development.

Policy EV/20 - Landscaping in New Development – This 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.

Policy EV/39 - Development and Pollution - The policy states that development would not be granted where it would result in serious risk to health, or general amenities of nearby residents due to its operation.

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

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 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. The submitted proposal has to be assessed against the above criteria.

Policy CT/2 - Development in the Countryside – This policy seeks to ensure development acceptable in principle should not harm the character and appearance of the countryside and safeguard its amenity interests.

CT/4 – Development in Areas of Local Separation – This policy aims to safeguard the prominent open and undeveloped character of the area and the already narrowing gap between settlements is not reduced further.

Policy TR/1 - Specified Road Network - This 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/6 - Traffic Generation from New Development - This 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/18 - Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking dependent on floor space or dwelling numbers.

RT/3 - Play Spaces in New Development - This policy seeks to ensure the provision of play space in development primarily for family occupation and sets out standards required to achieve this. It also allows for seeking commuted sum payments of developments less than 10 dwellings in areas where there would be, or is, a deficiency in play space in an area.

RT/4 - Youth/Adult Play in New Development - This seeks to ensure the provision of youth/adult play provision on developments of more than 10 units. Where this is not feasible on the site, then a commuted sum can be negotiated.

RT/5 – Amenity Open Space in New Development - This policy requires the provision of 38sqm per 10 dwellings for additional amenity open space on all developments over 10 dwellings.

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.

#### Other Policies

#### National Planning Policy Framework (The Framework)

The Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. (Para 2) The Framework states that it is the purpose of the planning system is to contribute to the achievement of sustainable development and there are 3 dimensions to sustainable development:

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

The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. It is highly desirable that local planning authorities have an up-to-date plan in place (Para 12).

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making. For decision making, this 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).

The Framework sets out 12 Core Planning Principles (Para 17).

It says that planning should be:

1. Plan led – provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
2. Creative – finding ways to enhance and improve the places in which people live their lives
3. Proactively driving and support sustainable economic development
4. Securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings
5. Taking account of the different roles and character of different areas, promoting the viability of our main urban areas and recognising the intrinsic character and beauty of the countryside
6. Supporting the transition to a low carbon future – taking into account flood risk and encourage the use of renewable resources
7. Contribute to conserving and enhancing the natural environment and reducing pollution
8. Encouraging the effective use of land by reusing land that has been previously developed (Brownfield land)
9. Promoting mixed use developments
10. Conserving heritage assets in a manner appropriate to their significance;
11. Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
12. Supporting local strategies to improve health, social and cultural wellbeing.

Delivering sustainable development

This involves:

- Building a strong competitive economy
- Ensuring the vitality of town centres (includes the requirement for a sequential test and impact assessment for development of more than 2500 sqm)

- Supporting a prosperous rural economy
- Promoting sustainable transport – ensuring that safe and suitable access to the site can be achieved for all people and that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. (All development which generate significant amounts of movement should be required to provide a Travel Plan)
- Supporting high quality communications infrastructure.

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

To boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. 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 the planned supply (Para 47).

Housing applications should be considered in the context of the presumption in favour of sustainable development. 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 deliverable housing sites (Para 49).

#### Promoting Sustainable Transport

Paragraphs 29 – 32 indicate that transport policies have an important role to play in facilitating sustainable development, but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### Requiring good design

Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people (Para 56). In determining planning applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area (Para 63). Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions (Para 64).

#### Climate change and flooding

In determining planning applications, local planning authorities should expect new development to:

- Comply with adopted local plan policies on local requirements for decentralised energy supplies; and
- Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption (Para 96).

It says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Opportunities offered by new development to reduce the causes and impacts of flooding should be used.

#### Section 11: Conserving and enhancing the natural environment

The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes
- Recognising the wider benefits of ecosystem services
- Minimising impacts on biodiversity and providing net gains in biodiversity (Para 109).

Paragraph 118 sets out the principles when determining planning applications for which development which has an impact on biodiversity. Paragraph 121 deals with ground conditions and environmental pollution, requiring that planning policies and decisions ensure that the site is suitable for its new use taking account of ground conditions and land instability and paragraph 123 deals with noise and states that decisions should aim to avoid noise from giving rise to significant adverse impacts and take into account the presence of Air Quality Management Areas (Para 124).

#### Decision taking

Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan-making should be seamless, translating plans into high quality development on the ground (Para 186). The Framework therefore requires local planning authorities to approve development proposals which accord with the local plan without delay, and where the plan is absent, silent, or its policies are out of date, planning permission should be granted for development unless its adverse impacts would significantly and demonstrably outweigh the benefits.

### Determining applications

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 (Para 196).

In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Para 197).

It is important to note that the document states that if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date, and applications for housing should be considered in the context of a presumption in favour of sustainable development (Paragraph 49).

There are many other relevant parts of the Framework which are set out in the Planning Statement accompanying the application and which are not repeated here.

### Planning Practice Guidance

This document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. Section 8 encourages the promotion of healthy communities. It advises that planning decisions should aim to deliver safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion (Para 69).

### Charnwood's Supplementary Planning Documents

#### Leading in Design Supplementary Planning Document February 2006

This encourages and provides guidance on achieving high quality design in new development. It indicates that the Council will approach its judgments on the design of new development against the following main principles.

- Places for People – Successful developments contribute to the creation of distinctive places that provide a choice of housing and complementary facilities and activities nearby. Good design promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.
- Accessible Places – Successful developments are easy to get to and move through, with short, direct public routes overlooked by frontages.
- Safe Places – Successful developments are safe and attractive with a clear division between public and private space. Good design promotes the continuity of street frontages and the enclosure of space by development which clearly defines public and private areas.
- Sustainable Places – Successful developments are able to adapt to improve their long-term viability and are built to cause the least possible harm to the environment. It



also incorporates resource efficiency and renewable energy measures to take into account the long-term impact of a development.

- Distinctive Places – Successful developments respond to their context;

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

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

The advice is that local planning authorities should ensure that the policy tests are set out in the committee or delegated reports where a section 106 agreement is to be negotiated. The obligations should be reasoned in the reports in light of the tests and clear advice that if the contributions do not satisfy the tests, that no weight should be attributed to them in the decision making process. There is a substantial risk that a decision to grant planning permission could be challenged as being unlawful if the planning authority cannot demonstrate that the tests have been met.

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

The Charnwood Local Plan Core Strategy has been submitted to the Secretary of State and is currently the subject of an examination. 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 6ha 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. This policy down grades Queniborough from a service centre to an 'other settlement'. It is considered this policy has limited weight at this stage due to the level of unresolved objections to this policy and its compliance with the Framework given the Borough Council's lack of a 5 year supply of housing within the Borough

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 and direction of growth there is a target of 30% on sites of 10 dwellings or more. The policy sets a target of 40% of affordable homes to be delivered on sites over 5 dwellings at Queniborough, although in accordance with policy CS1 this would normally be intended for small infill schemes. This policy also seeks new housing developments to be built to 'Lifetime Homes' standards where feasible. It is considered this policy has limited weight at this stage due to the level of unresolved objections to this policy.

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 reflect 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.

#### Settlement Hierarchy

As part of the work to provide an evidence base for the Core strategy, the Council undertook an exercise in 2007, updated in 2009, designed to identify those settlements in the Borough which might form the basis of a sustainable pattern of new development for the future. A review of the ranges of services and community facilities in each settlement led to the development of a hierarchy of settlements. Whilst the hierarchy carries limited weight, the data that supported it is still relevant and material.

#### Strategic Housing and Land Availability Assessment (SHLAA)

This sets out the possible locations for new housing developments. This is a policy neutral document and considers the theoretical potential of sites. It does not form part of the Development Plan and forms part of the evidence base informing the preparation of the Core Strategy only. The site is one included in the SHLAA as having no fundamental physical characteristics that would prevent development. Inclusion in the SHLAA does not pre-suppose that permission should be granted.

#### Detailed Investigation into the Housing needs of Queniborough ( Midland Rural Housing, December 2013)

The survey aims to obtain clear evidence of any local housing need for a range of housing tenures within Queniborough. Although this is a material planning consideration, it is not an adopted document and as such has limited weight.

#### Building for Life

This guide is a tool to help assess proposed residential developments in relation to design, layout, sustainability criteria, adaptability, and effect of existing local character and reduction of crime, amongst other things.

## Affordable Housing

Both the Borough of Charnwood Local Plan and the Affordable Housing SPD (2005) were prepared to reflect Government Guidance of the time. Policy H/5 says that we will seek to negotiate an element of affordable housing and the supporting text refers to the threshold in Circular 6/98 of 25 dwellings or more or residential sites of 1 hectare or more. The SPD states that we will seek the provision of 30% affordable housing (at a 75/25 split) on sites that meet the threshold set out in Government guidance (the then emerging PPS3 set a threshold of 15 or 0.5 hectares). The Framework no longer sets a national threshold and this part of the SPD is no longer capable of carrying enough weight, although the SPD in general continues to provide useful guidance on wider affordable housing issues.

In terms of the emerging Core Strategy, the Framework states (para 216) that we should give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections to the relevant policy and the degree of consistency to the Framework. The Core Strategy is at an advanced stage of its preparation, the emerging policy is consistent with the Framework but there are some unresolved objections to the policy.

In the absence of an up to date statutory development plan policy to guide the amount of affordable housing provision for sites we must look to any relevant material considerations. Appropriate material considerations include the two evidence studies (listed below) and the Charnwood Local Plan Core Strategy Policy CS3: Strategic Housing Needs. This evidence base has been used as a material consideration. Relevant evidence is set out in:

- Affordable Housing Economic Viability Assessment (2010)
- Leicester and Leicestershire Strategic Housing Market Assessment (2008 about to be replaced by 2014)

Taken together, these material considerations point towards requests being made for affordable housing on sites of 10 or more dwellings in most areas and 5 or more dwellings in more rural settlements, requesting between 20-40% affordable housing depending on the location of the site and requesting a 80/20 split between social/affordable rent and intermediate housing.

Most of the application site falls within the Soar Valley sub market (30%) with the existing houses and land between them on the west side of the site falling in the Rural East sub market (40%) of the Affordable Housing Economic Viability Assessment (2010) and therefore it would be appropriate and reasonable to seek 30% Affordable Housing on this site.

## Other Material Considerations

The development has been considered in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and it has been concluded that this is a proposal that would not be likely to have significant effects on the environment,

within the meaning of the Regulations, given the scale and type of development and the location of the site on the edge of the settlement of Syston and adjacent to existing housing. Accordingly the planning application for this development does not need to be accompanied by an Environmental Statement.

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of this planning application.

The County Highway Authority has adopted a Design Guide for new development which contains, in Section DG6: Public Transport, advice that pedestrian access to bus routes should generally, in urban areas, be a maximum of 400m and desirably no more than 250m. In rural areas the walking distance should not be more than 800m.

#### Responses of Statutory Consultees

Leicestershire County Highway Authority – The highway authority initially objected to the application due to concerns relating to the Millstone Road access. The plans have since been amended to include a main access directly onto Melton Road, with a secondary access off Millstone Lane. Other highway concerns relating to the size of granges and parking provision have also been addressed by the applicants. Accordingly the County Highway Authority have revised its comments and confirmed they raised no objection to the application, they have however made the following comments; The Travel Plan is not considered acceptable comments forwarded from our Travel Plans team on 25 March 2014 do not appear to have been addressed. As such an acceptable Travel Plan will need to be submitted and approved before development commences, and the team have recommended a condition accordingly. As part of the planning approval for the residential development on the Queniborough Lodge site opposite, a traffic calming scheme had been agreed. Should this scheme not have been delivered by the time that this development commences, this development should provide a similar scheme on Melton Road, in order to reduce the speeds of traffic in the vicinity of the site access, the details of which should be agreed before development commences.

#### S106 Contributions.

- To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area
- 6 month bus passes
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area.
- Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift.

- Contribution towards equipping the nearest bus route with Real Time Information.

All recommended conditions have been considered by officers and those which meet the test within the Framework and are considered reasonable have been included within the recommendation.

Environment Agency – The Environment Agency has considered the Flood Risk assessment and has no objection subject to the inclusion of relevant planning conditions. These suggested conditions have been considered by officers and where appropriate have been included within the officer recommendation.

The Environment Agency has also confirmed that after considering the submitted ground report, it agrees with the conclusions of the report that no contaminant source was identified and that therefore the proposal does not pose a significant contamination risk to controlled waters.

Natural England - Natural England has not objected to the proposal, but highlights the opportunities to create biodiversity and landscape enhancements should be considered by the local planning authority.

Seven Trent Water – Seven Trent Water has raised no objection to the application. They have requested a condition relating to foul and surface water drainage to be included on any approval of planning permission.

English Heritage – English Heritage were consulted on the application but have made no comments.

Leicestershire County Council Rights of Way – The Rights of Way Officer initially objected to the application as the definitive line of the Public Footpath was shown incorrectly on the submitted plans. This objection is later withdrawn following the submission of the amended plan. A number of conditions and informatives have been recommended if the application is to be approved.

Leicestershire County Council – Developer Contributions

Leicestershire County Council has sought contributions towards, libraries, civic amenity and highways in order to mitigate the development these requests are considered in greater detail later in this report and have been agreed by the applicant. Leicestershire County Council has confirmed that no commuted sum is required for education as there is sufficient capacity in the existing facilities to cope with the additional demand of this development.

Leicestershire Police Authority - The Police Authority have not made any objections to the specific design or details of the application, but have objected on the grounds of sustainability and because the development is unacceptable without the necessary policing contributions. These comments were supported by copies of appeal decisions and their summary of their request is attached below for your reference;

“The police contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and LPU area in which it will be situated. The existing deployment of Police assets to Police the LPU are identified and applied to the beat and to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to this development and the CIL tests of compliance are applied to these.

Start up equipment	£4409
Vehicles	£2846
Additional radio call capacity	£227
PND additions	£310
Additional call handling	£460
ANPR	£2055
Mobile CCTV	£375
Additional premises	£31432
Hub equipment	£101
Total	£42215

#### Conclusion

Without the necessary contribution the development will be unacceptable in Planning terms and 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 the situation might be remedied. 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 is situated, the settlement and existing Policing demands and deployment in relation to this. The request is wholly related to the scale and kind of the application development.

Leicestershire Police have refreshed our approach to contributions taking account of the advice of leading Counsel and recent reductions in our deployment. We are advised that the contents of this letter are sufficient to justify the contribution sought and that the request is compliant with NPPF tests. We have provided an objective assessment of Policing impact, needs and mitigations in a proportionate and robust local evidence base.

There has been no previous contact with police about this proposal from the developer or LPA. Although the need for contributions is considered and heads of Terms supplied in the application Policing is excluded from this. Police raise a formal objection to the application on sustainability grounds and because the development is unacceptable without the necessary Policing contribution.

The police refer to previous Appeal Decisions and in their view the requests comply with the Planning Inspectors decisions. The methodology employed in this request is the

same as that used in all of these Appeals. Policing the development will depend on all of the capital infrastructures identified including delivery from premises inside and outside Charnwood district, again as identified in the Core Strategy Infrastructure Plan Examination version. Particular attention is drawn to the Barrow Upon Soar Secretary of State decision and the conclusions therein and particularly that Policing should not be excluded from the purview of s106 contributions.”

NHS England – NHS England has raised no formal objection to the application, but has highlighted that the development would have an impact on the capacity of the local doctors surgery which would serve the residents of the proposed development. The NHS have concluded that the development would result in an increase in the local surgery’s patient population of 245 and demonstrated the likely impact of this increase in population to be an additional 6.44 hours per week of consulting time and 1.71 hours per week of treatment time. Therefore NHS England has requested a capital contribution towards the extension of the waiting room of 9 sqm at a cost of £14,958.

#### Other Comments Received

Cllr. Grimley has requested to speak at the plans committee meeting for this application.

Queniborough Parish Council has submitted a number of letters to the Borough Council, expressing a strong objection to the proposal. The grounds of the objection have been summarised below:

- The application is on a green field site in an area of separation between Queniborough and Syston and outside a current existing settlement area. This is contrary to ST/1, ST/2 and CT/1 of the Local Plan and one the core principles of the National Planning Policy Framework, taking account of the different roles and character of different areas, and would lead towards the coalescence of the two communities.
- The development will add extensively to the amount of traffic on this stretch of the Melton Road. The turning off Millstone Lane is only a short distance from the junction with the road to the new development at Queniborough Lodge. Cars from an additional 230 houses will be using these two adjacent junctions on to the Melton Road. The revised plans make the traffic problems worse on the Melton Road, as the additional road serving the development has it junction to Melton Road almost opposite the road the Queniborough Lodge development. This will be especially difficult when motorists from both developments are turning right.
- The Parish Council has received a letter from the Principal of Wreake Valley Academy expressing his concerns at the increase in traffic on what is one of their identified ‘Safer Routes to School’. The Head Teacher at Queniborough Primary School has also expressed her concerns at the amount of traffic on the Melton Road in a letter to the County Council Highways Department about the proposed traffic calming on the Melton Road.
- Millstone Lane itself is narrow and often single lane due to parking in the road. It is not suitable to take the additional traffic from the housing development plus the funeral traffic using the cemetery. This additional traffic and congestion will affect



the quality of life of those residents already living on the Melton Road. This is contrary to EV/17 (improvements to public safety), EV/39 (risk to health or general amenities of nearby residents), TR/1 and TR/6 (restrict developments which will cause congestion on major routes or the unsatisfactory operation of the highway system). It is not a safe option to allow so much additional traffic onto the Melton Road when the effects on the local traffic of the granting of the applications at Queniborough Lodge and Rearsby Roses cannot yet be practically assessed.

- The National Planning Policy Framework's broad strategy is to favour sustainable development. However this development will put undue pressure on the infrastructure of the services in the area. The Health Centre at Syston and the Queniborough school are both near or at capacity. This application will add an additional 100 houses to the 133 already approved at Queniborough Lodge. This is in a village of 1300 houses, an increase of nearly 20%. The emerging Local Plan, currently at Examination stage with the Planning Inspector, recognises that Queniborough is only capable of small scale development by reducing it from a 'service centre' to 'other settlement' status. The evidence used in the emerging Local Plan has concluded that Queniborough should not become a service centre and development to this extent is not sustainable. Charnwood's Policy CS1 sets out that 500 new homes will be planned for across all the 'other settlements' in Charnwood by 2028 and these will be within settlement boundaries identified in their Site Allocations and Development Management Development Plan document.
- The Parish Council does not object to the use of this land as a cemetery for Syston Town Council however it does question if this meets the test for S.106 funding. The cemetery will not benefit those residents living in the new development as they will not be in Syston. Section 106 money should be used to mitigate the effects of the development on the community affected by the development. Queniborough Parish Council believes that any S.106 money from this development should be used to benefit the community affected, which is Queniborough.
- The report to Charnwood's Planning Committee on Queniborough Lodge concluded that Charnwood's inability to demonstrate a five-year supply of housing means that to refuse the application the Council must conclude that the proposed development would result in adverse impacts that significantly and demonstrably outweigh the benefits of providing this much needed housing. Queniborough Parish Council concludes that this proposal by being a development on a green field site, in an area of separation between communities that will affect the quality of life and safety of those residents in the locality, the traffic congestion, and the impact on the local infrastructure contravenes both the current and emerging Local Plans and the general principles about sustainability and protecting character in the NPPF. The adverse impact of this particular application does significantly outweigh the benefits of building these houses in this place. Other sites are available in Charnwood that do not have this catalogue of material disadvantages.
- The Borough Council have highlighted the Housing Needs Survey for Queniborough, which was carried out by Charnwood Borough Council at the end

of last year. It shows only a small need for housing within the Village and this need has already been more than met by the development at Queniborough Lodge. As such the survey does not support the size nor type of development being proposed.

The Parish has requested S.106 money to mitigate the effects of the development. The types of projects they consider necessary include:

- A further development in outdoor play/gym equipment
- Further work on the village hall to enable to cope with increased demand
- Commencing work on the reserved section of the cemetery to meet increased demand. This requires levelled and seeding before it can be used and will add substantially to the cemetery maintenance costs. Without the increase in this number of houses this would not be required for some time
- Discussion with Highways to carry out work on Barkby Road, as 33% of drivers don't adhere to the speed limit. There is concern that if Melton Road becomes more congested more vehicles will use Barkby Road
- Support to youth groups. The demographic make-up of the village will be changed dramatically by these housing developments and provision will need to be increased for younger people
- Support to other community groups. Although the prime need will be to improve provision for youth groups, all community groups will need to deal with increased number and provision will need to be improved (some but not all will be at the village hall)
- Allotments, A small demand for allotments exists, mainly due to the fact sites can not be identified. This demand will increase with the great expansion of villagers.

These requests have been considered and examined against the CIL regulations later in this report.

Queniborough Parish Council has requested to speak at Plans Committee.

Cllr. Pacey from the adjacent ward (Syston East) has requested to speak at the plans committee meeting for this application.

Syston Town Council has confirmed that it supports the application.

Local Residents – More than 100 objections have been received from residents of Queniborough and Syston. The relevant planning related reasons for their objections have been summarised below;

- The loss of green wedge and countryside between Syston and Queniborough This area should be protected to provide a clear distinction between the villages and protect their identities. The loss of this field will lead to settlement coalescence

- Millstone Lane, Briton Avenue and the surrounding Avenues will become rat runs, to the detriment of highway safety and residential amenity
- The proposed access is unsafe and unsuitable
- The proposal would result in a drainage problem, with flooding of neighbouring houses and Melton Road
- The development is out of character and would have a detrimental impact on the character of this area and Millstone Lane
- The application proposes too many houses, at too high a density and would result in over development
- The proposed design is poor and will result in a blot on the landscape.
- It would result in the loss of and changes the character of the footpath as it will be through a housing estate rather than a countryside footpath through fields
- The loss of countryside and valuable farming land
- The proposal would have a detrimental impact on wildlife and result in the permanent loss of habitats
- The local infrastructure cannot cope. schools and doctors surgeries are at full capacity and parking around these services is already an issue
- Land within Queniborough should not be used for a Syston Cemetery, it should be provided on another site within Syston or within the Thurmaston SUE. It appears that the cemetery is an incentive from the developer with no benefit to the village of Queniborough
- The proposal is separate from the village of Queniborough and due to this separation will be isolated from services and not be part of the community
- It will lead to an increase in traffic on Melton Road in close proximity to Wreake Valley Academy, especially when considering the permitted Queniborough Lodge development. The result of too much traffic trying to turn on to the already busy Melton Road is likely to create a highway safety problem. This stretch of Melton Road already has a high accident rate
- The proposed location of the play area is insensitive, being alongside a cemetery is not compatible
- It will have a significant impact on traffic congestion on Melton Road and within the centre of Syston
- Construction traffic and the construction of the housing will cause disturbance to existing residents
- The development will set a precedent for further developments, particularly on the fields between Syston and Queniborough
- Syston maybe a service centre but Queniborough is not capable of taking any more development and this is recognised in the Emerging Core Strategy
- The proposed cemetery will exacerbate the existing traffic and parking problems on Millstone Lane
- There is no need for the access onto Millstone Lane
- The development is too far from the local primary school and as a result will result in an increase in traffic
- The hedge and grass border on Millstone Land should be retained.

- Significantly detrimental impact on existing residents on Millstone Lane and Melton Road, by reason of loss of privacy. The distance between proposed dwellings and existing properties is insufficient
- There is already a large development approved at Queniborough Lodge and another submitted application in Queniborough, which cumulatively would increase Queniborough by a third
- The proposal is contrary to policies CT/1, CT/4, EV/41 and ST/1 of the adopted Charnwood Borough Local Plan
- Contributions should benefit the parish in which the development lies
- A burial site should not be imposed adjacent to existing residents due to the associated emotional impact
- Parking problems within Syston will be exacerbated
- The Design and Access statement is insufficient and inaccurate
- It will result in the loss of a local heritage site, as the development is on the location of the old Mill. Existing archaeology would be lost

CPRE – The CPRE object on the following grounds;

- The development is not consistent with the Emerging Core Strategy, which has now the subject of examination and accordingly has upgraded status
- The development is outside the settlement boundary and within an area of local separation and as such is contrary to adopted policy CT/4
- All new homes to be built to 'lifetime home' where feasible (Core Strategy policy CS3)
- Core Strategy policy CS3 also requires an appropriate mix of type, tenure and size of homes. Due to the number of 4 and 5 bed dwellings and the very small number of single storey properties the mix is unacceptable and contrary to the advice in the adopted SPD 'Leading in Design'
- Finally the cemetery should not be used as a justification for the houses.

Borough Councils Environmental Health – The Environmental Health Officer has raised no objection having carefully considered the ground contamination report and the likelihood of waste and disturbance. It is recommended the applicants are required to submit for approval a Construction Method Statement prior to commencement to reduce the potential for nuisance.

Borough Councils Open Space team - The Open Spaces Team initially raised objection to the application on the grounds that the proposal failed to provide children and young peoples play facilities on site. Following revisions to the application, to include a children's play area, this objection was withdrawn. However, concern has been raised regarding the location of the young children's play area in terms of it being overlooked and its size. The Team have confirmed the cemetery need in Syston was identified in 2007. Page 22 of the 2007 Burial Audit (attached) states: Syston - 11,850 Population 150 spaces (spaces available for 6 years i.e.' to 2013). In recent years the Town Council has investigated other opportunities for providing more cemetery space without success. The Open Space Team considers this application can provide that shortfall in a unique way that other planning proposals in the area will not be able to.

## Planning Considerations

This application seeks planning permission for a 101 dwellings with associated access, play area and drainage features and a cemetery. The cemetery is not necessitated by the dwellings which form part of the proposed development. Consequently when considering the planning merits of the housing element of the development, no weight should be given to the provision of the cemetery in allowing or justifying the housing element of the development. Each element of the proposal should be assessed on its merits to establish if the planning application as a whole is acceptable.

The main considerations in the determination of this planning application are:

- The principle of the development
- Housing land supply
- Sustainability
- The impact on the character of the open countryside and landscape impact
- The impact on ecology
- The impact on the local heritage assets
- The design and layout
- Relevant highway safety concerns
- The risk of flooding
- The impact on the amenity of neighbouring occupiers
- The impact on local infrastructure
- The principle of the cemetery use in this location and its design.

### The principle of the development

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted development plan unless material considerations indicate otherwise. Policies in the adopted Charnwood Local Plan are therefore the starting point for consideration, although the weight that is attached to these policies is dependant upon the degree to which they are consistent with the National Planning Policy Framework (the Framework).

The policies of the saved Local Plan set out a strategy for housing provision for the period 1991-2006 and are clearly, therefore, out of date, a position which has previously been acknowledged by the Council and been confirmed in a number of recent appeal decisions.

The Framework'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; (i) 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, and 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.

#### Housing Land Supply

The Council acknowledges that it does not currently have a five year supply of deliverable housing based on the housing requirements for the period 2006-2028. The table below summarises the Borough Council's 5 year housing supply position as at May 2014.

	Charnwood Borough Housing Supply Estimate as at 31 <sup>st</sup> May 2014	Charnwood Total
a	Charnwood Pre-Submission Draft Core Strategy Housing Requirement (2006-2028)	17380 790per annum
b	Completions (2006 to 31st May2014)	5,692
c	Residual Requirement 2014-2028 (a – b). (11,768 \ 14 years = 835)	11,688 835 per annum
d	Requirement for 5 years 2014-2019, (5x 835).	4,175
e	Requirement for 5 years 2014-2019 with 20% buffer for under delivery in accordance with NPPF.	5,010
f	Expected supply of deliverable sites (planning permissions likely to be built June 2014 -2019)	4,156
g	Surplus over requirement (e -f)	-854
h	Number of years supply (f divided by 1002 (e divided by 5)).	4.15 years

The table above shows that, taking account of completions, commitments and sites available, the number of homes required to provide for a five year housing supply plus an additional 20% is 5,010. The Council's assessment of land availability shows that the amount of land available at 31<sup>st</sup> May 2014 would provide for 4,156 within the next five years, a deficit of 854 homes.

Whilst the Framework makes it clear that decision makers may give weight to relevant policies in emerging plans, the degree of weight given to each policy prior to its adoption depends on whether or not the policy is consistent with the Framework and whether it is contentious. Although it is recognised that the Borough Council's emerging Core Strategy is now under examination, its policies relating to development strategy and the allocation of housing (Policy CS1) still has limited weight due to the level of opposition received regarding this policy. Given the lack of a 5 year supply of housing land across the Borough and the delay there will be before a core strategy and allocations development plan document is adopted, it is considered that the principle of housing development on this site should be supported in accordance with the guidance contained within The Framework, unless any adverse impacts would significantly and demonstrably outweigh the benefits of providing the required housing or policies in the Framework indicate that development should be restricted.

However, the site is located outside of the Limits to Development of Syston and Queniborough, within an Area of Local Separation, and would therefore ordinarily not be considered an acceptable site for residential development. However; Members need to be mindful of the recent appeal decisions within the Borough which accept the principle of releasing suitable sites [outside the Limits to Development] for residential development given the Borough Council's position with regards to its delivery of housing and its 5 Year housing supply. Some of these decisions include sites within areas of local separation.

Although it is recognised that the Borough Council's emerging Core Strategy is now under examination, its policies relating to service centres and allocation of housings (Policy CS1) still has limited weight due to the level of opposition received regarding this policy. Given, the lack of a 5 year supply of housing land across the Borough and the delay there will be before a core strategy and allocations development plan document is adopted, it is considered the principle of housing development on this site should be supported in accordance with the guidance contained within The Framework.

### Sustainability

Syston and Queniborough are both currently considered as Service Centres with a range of essential facilities and services. The emerging Core Strategy identifies Queniborough to an 'other settlement', however as previously identified Policy SC1 (Development Strategy) of the Core Strategy currently has little weight, although the supporting evidence is a material planning consideration. It also should be recognised, that the site abuts the built edge of Syston and due to its locality, benefits from the services available immediately adjacent to the site within Syston. The site is served by a regular bus route with bus stops well within the recommended 400m of the site. Concerns have been raised with regards to Queniborough's ability to cope with further development. However there is no specific evidence that the facilities and services within the village are at capacity and could not cope with further housing. The Education Authority has confirmed the existing education facilities are able to meet the needs of the development. Other appropriate contributions are to be paid to local services including libraries, the local doctor's surgery, recreation and policing to further assist in

coping with the demand generated by this development. In addition, as already identified, due to the proximity of the site to Syston, a number of services and facilities within Syston are within a reasonable walking distance. It is considered that the proposal would therefore constitute sustainable development in accordance with paragraph 7 of the Framework.

#### Impact on the character of the open countryside and landscape

The application proposes development on land which is currently used for agricultural purposes. The site is outside the current limits to development and within the Area of Separation between Syston and Queniborough. Planning permission has been granted for the site on the opposite side of the road, which is also in the Area of Separation. Planning Inspectors have recently granted permission for development in the Area of Separation between East Goscote and Rearsby and also between Mountsorrel and Rothley.

This site is Zone 21 of the Charnwood Borough Council Landscape Character Assessment Capacity Study, in which it was considered to be of medium high capacity to accommodate development. The study summarises that development in Zone 21 is likely to have a significant impact on the coalescence of Syston and Queniborough, although it concludes that development is suitable subject to mitigation measures.

Following an assessment of the applicant's Landscape and Visual Impact assessment (LVIA) it is considered the impact on the wider landscape from the development is correctly assessed regarding the sensitivity of the site. However the recommended mitigation measures including northern hedgerow enhancement features are excluded from the layout. Accordingly, if approved, conditions will be imposed to secure the implementation of a strong hedge line along the full length of the northern boundary through a detailed landscape scheme. It is considered that these amendments can be reasonably achieved.

Although there would be some impact on the character of the edge of the open countryside and landscape, this impact would not be so significant or demonstrable as to outweigh the benefits of providing housing land. Whilst the area would extend outside the defined limits to development, the area to be lost would be limited and given its location adjacent to Syston, behind existing housing of Melton Road and given a field would remain between the site and Queniborough, it is considered a refusal on the loss of local separation and settlement coalescence would be hard to justify, especially given Inspectors' recent decisions in similar situations. The site relates well to the existing settlement of Syston and would retain a substantial area of open space to separate Queniborough and Syston. As such, although there would be some impact on the character and appearance of this area of local separation, the significance of this impact is considered limited. The separate identity of Queniborough and Syston would be retained and the harm caused to their identities and character, by the development would also not be so significant or demonstrable as to warrant a refusal of planning permission.



## Ecology

Careful consideration has been given to the ecological impact of the development. Both Natural England and the Borough Council's Senior Ecologist have raised no significant objections to the proposal. There is a previous record of a bat roost off Ridgemere Close, in proximity to the south-eastern part of the application site, and it is likely that some of the application site's hedgerows, although managed intensively, act as foraging ground and commuting routes for the local bats. As some of the hedgerows will be lost or become fragmented as a result of the proposal, it would be appropriate to ensure that compensation in the way of hedgerow replacement is delivered.

The Ecological Appraisal (ref. FPCR February 2014) recommends that all retained hedgerows should be buffered from the development by at least 5m of coarse grass margin and should not be incorporated into residential garden boundaries (paragraph 4.9). It has been confirmed by the applicant that the 5 metre buffer is achievable and illustrative plans are to be submitted.

## Impact on the local heritage assets

Concerns have been raised regarding the history of the site, the impact on the Old Mill site, and the long-term impacts on this heritage Asset. The Borough Council's Conservation and Design Officer has confirmed the Historic Environment Record indicates the location of a post-mediaeval windmill just outside the site boundary, close to the existing electricity sub station. Further investigation on site did not yield any additional evidence of the location of the windmill within or adjacent to the site boundary.

The application has been submitted with a supporting heritage statement and an archaeological desk based assessment. The Design and Conservation Officer concludes that the potential for archaeological remains to be discovered is low and therefore further investigation at this stage will not be required. A 'watching brief' condition will need to be added in order to ensure that any archaeological features that are uncovered during the construction process can be recorded.

## Design and layout

The application seeks full planning permission, as such all details including layout and detailed design are included for approval. The proposed dwellings are considered to be an appropriate design and would not appear significantly out of character with Syston. Similarly the overall layout is in general accordance with the recommended space between buildings guidance set out within the Borough Council's adopted Supplementary Planning Document 'Leading in Design'.

The application has been amended to allow access from Millstone Lane and Melton Road, improving the flow through and around the site. In addition the existing pedestrian link (footpath J17) has been retained and incorporated into the design.

The Borough Council's Supplementary Planning Document 'Leading In Design' recommends that there should be a good mix in the type tenure and size of new dwellings on all new developments. It is recognised that the proposed market housing has a heavy mix of 4 and 5 bedroom houses. However, the affordable housing has a good range of smaller properties including single storey bungalows. Ideally the scheme would have a better mix of house sizes within the market housing element of the proposal, however as a whole it is not considered this element of the design warrant the proposal unacceptable or the design so poor as to warrant a refusal of planning permission.

It is considered that there are poor elements to the design which let the overall design quality down, such as the sustainable urban drainage features. However these elements do not create a situation where the overall design quality is diminished to the extent that a refusal of planning permission is justified.

When the scheme is assessed using Building for Life<sup>12</sup> it delivers successfully against the majority of the criteria. It relates well to the adjacent existing housing areas and creates a positive and attractive built frontage to Millstone Lane. However, the built frontage to Melton Road is less successful with buildings setback behind the existing building line to accommodate sustainable urban drainage features. The variety of built form and green spaces will result in an attractive and interesting development that maintains existing links to the countryside. Streets and public spaces are well defined by buildings and car parking arrangements are integrated so that parked vehicles will not have an adverse visual impact on the character of the streets.

It is therefore considered that the proposed development is in general accordance with saved local plan policies EV/1 and H/16 of the adopted Local Plan and paragraphs 17 and 58 of the Framework.

#### Highway safety concerns

Concerns have been raised regarding both the safety of the access points into Melton Road and Millstone lane, the capacity of the wider highway network to cope with the increase of traffic and the safety implications of two new major housing developments accessing onto the busy Melton Road in close proximity to neighbouring school. The County Highway Authority has confirmed it has no objection to the proposed development, as amended and providing conditions are placed on any approval of planning permission the development, it does not consider the development would result in a significant highway impact and accordingly would be compliant with the advice contained within the Framework.

To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, contributions have been requested in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use. These have been assessed and it is considered by officers these requests are acceptable.

## Flood Risk

Concerns have been raised regarding the risk of flooding to both existing properties and the Melton Road. The Environment Agency has confirmed it does not object to the principle of the development. The Environment Agency has requested details of the Sustainable Urban Drainage Scheme and details of the final drainage scheme will be conditioned. Therefore it is not considered a refusal of planning permission on the grounds of flooding could be justified.

## Impact on the amenity of neighbouring occupiers

The Borough Council's space between buildings guidance is set out in the Borough Council Supplementary Planning Document 'Leading in Design'. The proposed layout is in general accordance with these guidance documents and further protection can be offered to existing residents by restricting new windows on flank side elevations where they are in close proximity with existing properties. As such there is no evidence that the proposal would have a significant or demonstrably detrimental impact on the residential amenity of neighbouring residents, by way of loss of privacy or overbearing impact, which could warrant the refusal of this planning application.

Some concerns have been raised regarding disturbance from the proposed new access and the increase in traffic, along with disturbance during the building works. It is recognised the proposed accesses will be in close proximity to existing properties. However the distance between these new accesses and existing properties meet the Borough Council's recommended distances set out within the adopted Supplementary Planning Guidance 'Backland and tandem developments'. With regards to disturbance during the construction of the development, a construction method statement will be secured via condition to help protect disturbance to neighbouring properties during construction.

Given the advice within paragraph 14 and 17 of the Framework, it is considered, that although there will be some impact, the impact on neighbouring residents would not be so significant or demonstrable as to warrant the refusal of planning permission.

Significant concerns have been raised regarding the impact on the character of the area and loss of countryside views. Although it is recognised there would be an impact on the character of the area but it is not considered this would be significantly detrimental as to warrant the refusal of planning permission

## Impact on local infrastructure

Requests have been made to secure improvements to existing community infrastructure from the relevant consultation bodies. These requests have to be tested against the Community Infrastructure Levy (CIL) Regulations 2010. The proposal will have an impact on the infrastructure of Queniborough and Syston in several areas. Policy ST/3 of the Borough of Charnwood Local Plan provides for opportunities to secure improvements to infrastructure where there are deficiencies identified by consultees.

This is supported by the Council's SPD Section 106 Contributions. The contributions requested are assessed below:

**Leicestershire County Council, Libraries - £6,100**

The proposal would be likely to result in an additional demand placed on existing library services. The proposed development would lead to approximately 160 plus users and 390 additional items being required. The proposed request is for £6,100 (£27.18 x per 1 bed dwelling, £54.35 x per 2 bed dwelling and £63.41 x per 3+ bed dwelling). This contribution would be spent at Syston Library on Upper Church Street which is within 0.9km from the site. It is considered that this request is in scale and necessary to make the development acceptable based on meeting the identified needs of future occupiers of the development. This money would be spent within 5 years of the development commencing. It is considered that the proposed request complies with the requirements of the CIL Regulations 2010.

**Leicester County Council, Civic Amenity - £4697**

This contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development. The nearest Civic Amenity Site to the proposed development is located at Mountsorrel and residents of the proposed development are likely to use this site. The calculation was determined by a contribution calculated on 101 units multiplied by the current rate for the Mountsorrel Civic Amenity Site of £46.50 (subject to indexation and reviewed on at least an annual basis) per dwelling/unit = £4697 (to the nearest pound). This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (In 2012/13 (latest figures available) the Civic Amenity Site at Mountsorrel accepted approximately 8,294 tonnes per annum) for example by the acquisition of additional containers or installation of additional storage areas and waste infrastructure at the Civic Amenity Site or adjacent land to increase the site's capacity for handling and separating waste. Each household in Leicestershire in 2012/13 delivered on average approximately 0.276 tonnes of municipal waste to a Civic Amenity Site. On this basis the proposed development of 101 dwellings would generate over 27 tonnes of additional Civic Amenity waste at the Mountsorrel Civic Amenity Site. The proposed development would place additional demand on the Mountsorrel Civic Amenity Site and the request for the Civic Amenity developer contribution would meet the identified demands placed on the site as a result of the proposed development. The request also details detailed projects of how this demand will be met and as such it is considered that the proposed request complies with the requirements of the CIL Regulations 2010

**NHS England, Health - £14,958**

NHS England is requesting a capital contribution from the developer to extend the waiting room in the Syston Medical Centre. The additional consulting time generated by the development shows approx 30 contacts per week. The 30 contacts would be divided by 5 days a week. This would require 6 additional chairs at 1.5sqm per chair. The cost of providing non clinical space is £1662 per sqm as assessed by a quantity surveyor.

The contribution required is 9sqm x £1662 is £14,958. This contribution would be spent on extending the waiting area within 5 years of the money being received. It is considered that the proposed request complies with the requirements of the CIL Regulations 2010 given it is an identified need, well related to the development and a specific project identified. It is recognised that costs are only estimates at this time, all to be met from a quantified surveyor, as such the contributions will be paid to the Borough Council and released on the submission of details of the extension and appropriate evidence to ensure the final scheme is CIL compliant.

#### Charnwood Borough Council, Recreation - £93,192

The development will provide the adequate space and requisite facilities on site to meet the requirements of policies RT/3. However, the requirements for Youth and Adult recreation (policy RT/4) can not be provided on site and as such an off site provision will be required to meet the demands caused by the development. Due to the proximity of other Youth/Adult recreation provision in the locality it is considered off site provision would be appropriate and acceptable in this case. The proposed request is £71,609, based on the additional 101 dwellings, using an identified formula for the number of houses. It is considered that this request is in scale and necessary to make the development acceptable based on meeting the needs of future occupiers of the development. This money would be spent within 5 years of the development commencing on Youth or Adult recreation projects within the Parish of Queniborough or Syston. It is considered that the proposed request complies with the requirements of the CIL Regulations 2010.

#### Leicestershire Police –£ 42,215

Leicestershire Constabulary has stated that the development would be likely to result in an increased demand for their services. They have identified several areas where the proposal is likely to result in the need for policing services. The Council identified within its Section 106 Contributions SPD 2007 that some contributions for Policing could be justified. Within that document it allows for contributions to new Police Stations, or extensions to new stations. Normally only capital costs could be secured. Since then, many applications have been dealt with in the Borough, and Police contributions have not normally been accepted due to the requests being unspecific and generally not directly related to the needs of the development and therefore, failing to comply with the requirements of the CIL Regulations 2010.

Planning Inspectors, and the Secretary of State, have taken the view that Police contributions, including more than just the capital costs of building directly related to the demands of a development, can be considered CIL compliant. Paragraphs 58 and 69 of the NPPF state that decisions should aim to ensure that developments create safe and accessible environments where crime or disorder and the fear of crime do not undermine the quality of life or community cohesion. Many of these appeal cases have been where Unilateral Undertakings were put forward and the Inspector and Secretary of State has accepted their inclusion. Recently an appeal has been received for land at Mountsorrel (P/12/2005/2) where the Council took a neutral stand on Police contributions and the Police sought to have them included. They confirmed to the Inspector that the contribution would be spent on infrastructure to serve the

development. The Inspector agreed that the requirements were CIL compliant and necessary to mitigate the impacts of the development. In a more recent appeal decision within Blaby (S62A/2014/0001) the Inspector was satisfied that the proposed contributions relating to the premises, the start-up equipment; vehicles; additional radio call capacity; database capacity; additional call handling; and hub equipment all meet the relevant tests for a planning obligation. But failed to accept contributions relating to the provision of an automatic number plate recognition (ANPR) equipment; mobile CCTV.

Given the mixed appeal history each case needs to be addressed on its merits. In this instance, it is concluded that the requests relating to vehicles, control room telephony, equipment for an access hub, APNR and mobile CCTV are not sufficiently or directly related the specific needs of the residents of the development, and could be considered effectively a tax on the development, based on calculations which do not seek to be directly costed, and are not justified to meet the CIL Regulations. A summary of our consideration into the Policing request are summarised below;

The largest Police request is for premises and associated start up costs at £35,841 (additional premises £31,432 and start up equipment £4409). It is reasonable to consider where development would have an impact on policing and would result in the need to expand existing stations to meet with this identified need that this capital expenditure would in principle be CIL compliant. Having said this it is recognised the request for the premises extensions at Enderby, Syston and Loughborough are uncosted and undetailed, although an estimate from a quantity surveyor has been provided. On this occasion it is therefore considered reasonable to conclude that the Police request for a premises and the related start up equipment are justified and meets the test set out in the CIL Regulations 2010 as amended. As with the Health contributions, [although the request is reasonable and compliant with the CIL Regulations 2010] in principle, full details of the proposed extensions and stat up equipment, will need to be provided before the Borough Council releases the contributions which will have previously been paid to the Borough Council by the developer. The agreement will require that the Council (or other parties) should use the contributions only for the purposes which they have been paid. The Council will be the responsible authority and should be able to be relied upon to manage contributions appropriately on receipt of a detailed scheme with appropriate evidence that the final extension and expenditure will be CIL compliant.

With regard to the request for police vehicles, the development would be located on the edge of Syston where there is a Police Station. Although it is reasonable to expect that the development would be serviced by Police vehicles on some occasions, given the site is not in an isolated location and there is an existing station in close proximity, it is considered that the requests are not adequately or directly linked to the development. In addition given the proximity of the development to the nearest Police station it has not been clearly demonstrated that the site can not be serve existing vehicles operating in this are, nor is it clear if the vehicles purchased with this money will be used to directly meet the demands of this development or other part of The Beat. The costs are not sufficiently related to the development and as such on this occasion it is not considered

that this request of £2846 to buy new vehicles would comply with the CIL Regulations 2010 as amended.

With regard to control room telephony, the development would result in an increase in calls to the system at Enderby. Based on future growth within Charnwood, it is likely that additional telephony, workstations and monitoring screens maybe required to deal with requests created by residents and businesses within the development. However, it considered that this request of £460 is not sufficiently costed in relation to the direct needs of the development, and therefore it is not considered that the request is CIL compliant, although the Police will possibly need to consider how to deal with any increased demands on their control room telephony system to ensure that there are no handling delays on calls.

With regard to ANPR CCTV deployment, no specific details as to where the CCTV camera would be sited, if its location would relate to this application or help to meet the demand generated by this development. The request talks about its location being on main road network and close to or in the settlement. It is not considered these details are sufficiently related enough to the development to justify its compliance with the CIL Regulations 2010, on this occasion.

With regard to the request for £375 for a mobile CCTV unit, it is considered that whilst this additional camera would be a useful addition to provision of CCTV in the Borough, by the nature of it being mobile, it would not necessarily be used wholly for the development and not appropriately justified. It is therefore considered that this would not comply with the CIL Regulations.

With regard to equipment for an access hub for the development, a request has been made for £101. The development in itself would not be large enough to create a demand for a hub. No location has been identified that would accommodate it. And given the close proximity of Syston Police Station it is very unlikely there would be justified need for a hub in this location. For this reason in this instance, it is not considered justified or compliant with the CIL Regulations.

With regard to radio cover/capacity the Police consider that additional systems and hardware will be needed to carry calls from the development at a cost of £227. It is similarly considered that this is not a reasonable request to comply with the CIL Regulations 2010. With regard to data base capacity, it is argued current system has reached capacity, however specific evidence of this is insufficient to demonstrate that a request of £310 for the additional servers would be sufficiently or directly linked to the demand created by the development. It is not therefore considered to be CIL compliant.

Leicestershire County Council, Education

It has been confirmed that the existing schools have capacity to deal with the proposed development and as such no contribution is sought.

Charnwood Borough Council, Affordable Housing

The Borough Councils Affordable Housing position has been set out within the 'Other Policies' section earlier in this report. Most of the application site falls within the Soar Valley sub market (30%) with the existing houses and land between them on the west side of the site falling in the Rural East sub market (40%) of the Affordable Housing Economic Viability Assessment (2010) and therefore it would be appropriate and reasonable to seek 30% Affordable Housing on this site. The scheme includes 30% affordable housing.

#### Other contribution requests

The Parish has requested s.106 money to mitigate the effects of the development. The types of projects they consider necessary include:

- A further development in outdoor play/gym equipment
- Further work on the village hall to enable to cope with increased demand
- Commencing work on the reserved section of the cemetery to meet increased demand.
- Discussion with Highways to carry out work on Barkby Road.
- Support to youth groups.
- Support to other community groups.
- Allotments.

It is not considered on this occasion this request is sufficiently justified or related to the development, nor is it sufficiently detailed or costed enough to meet the requirements of the CIL Regulations 2010

#### The Cemetery

Significant concerns have been raised regarding the location of the proposed cemetery within Queniborough to serve Syston and the ownership of the cemetery itself.

Whether the use of the site is acceptable and, if the principle is accepted, whether the design details are acceptable are the relevant considerations in determining this application.

Whilst understandable, concerns of the future ownership of the cemetery is not a material planning consideration.

The inclusion of a cemetery in the proposal is not a CIL compliant item of infrastructure and as such its provision has been given no weight in the determination or justification of the housing element of this application. The housing and cemetery elements of the proposal have been considered independently and their individual appropriateness has not been used to affect the judgment reached for either development use.

There are no specific policies within the Local Plan or the Core Strategy for cemetery provisions. There is an identified need for a cemetery in Syston which was identified in Charnwood's Burial Space Audit 2007. Page 22 of the 2007 Burial Audit states 'Syston



has a Population of 11,850 in 2007 and there were 150 spaces available'. This constituted a 6 year supply of spaces which took the cemetery up to 2013 before it was at capacity. Although this evidence basis is dated it is still a material planning consideration and the need for a new burial site to serve Syston has not been disputed.

Policy CT/4 of the adopted Local Plan seeks to protect the predominantly open and undeveloped character of the area. In addition saved policy CT/2 of the adopted Local Plan seeks to only accept development within countryside areas which would not harm the character and appearance of the countryside. It is concluded the proposed use, to meet an identified local need, would retain the undeveloped and open nature of the open countryside and the area of local separation. It is considered a cemetery use in this location would be in general accordance with these policies and accordingly a result of planning permission for the change of use of the land to a burial site would be difficult to resist as it would not result in a significant or demonstrable impact on the area and would be in general accordance with the identified policies above and advice contained within the Framework.

It is also considered the proposed detailed design is acceptable. There is a focus on landscaping which is considered to have a positive impact on the overall design along with the impact of the proposed cemetery on ecology and landscape. The layout of the cemetery also helps soften its impact on the surrounding landscape due to the location of more formal burial plots towards the existing built edge of Syston and the natural burial plots towards the more sensitive countryside edge. On balance it is considered the overall design and layout of the cemetery is acceptable and would not result in significant or demonstrable harm.

## **Conclusion**

The central issue is the need to balance the requirement to make land available for new housing, as set out in the Framework, against the impact of development in the Area of Local Separation and its landscape impact. It is considered the development would be sustainable, given the current status of Queniborough and Syston as service centres and the Framework contains a presumption in favour of sustainable development.

At the current time there is still, based on recent analysis, an identifiable shortage measured against the 5 year land supply promoted by the Framework.

Appeal decisions, including that at Rearsby Roses, which is in relatively close proximity to the application site and also within an area of local separation, reveal the considerable weight that appeal inspectors are placing on the need for a supply of housing land, against landscape considerations. It is concluded that the need for housing remains a consideration of significant weight.

The test from the Framework is whether the detrimental impacts of the proposal, on landscape impact, the area of local separation, heritage asset, neighbouring residential amenity, highway safety and others covered within this report, would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of

housing in a sustainable location or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply and the time that will elapse before there is an adopted local plan that sets out allocations for new housing development, it is concluded that in this case there is no significant or demonstrable adverse impact and the benefits of the additional housing outweigh the identified harm.

With regards to the cemetery it is concluded the proposed use, to meet an identified local need, would retain the undeveloped and open nature of the open countryside and the area of local separation. On balance it is also considered the overall design and layout of the cemetery is acceptable and would not result in significant or demonstrable harm.

## **RECOMMENDATION A**

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. These contributions are based on the combined impact and regulation of applications, P/13/1655/2, P/13/1692/2 and P/13/1696/2 and will form a joint legal agreement for all three applications:

- Health Facilities Contribution - £14,958 to extend to the waiting room area of Syston Medical Centre.
- Library Contributions - £6,100 (£27.18 x per 1 bed dwelling, £54.35 x per 2 bed dwelling and £63.41 x per 3+ bed dwelling). For additional resources for the Syston library on Upper Church Street.
- Civic Amenity – £4697 towards the acquisition of additional containers or installation of additional storage areas and waste infrastructure at Mountsorrel Civic Amenity site.
- Transport Measures including;
  - Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
  - 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
  - Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120 per display.
  - Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter.

- Contribution towards equipping the nearest bus route with Real Time Information (RTI) system to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At £2572 per display in bus shelter.
- Contributions towards the off site provision or improvements of Youth Adult recreation within the parish of Queniborough or Syston - £71,306 (£706 per dwelling)
- Provision and delivery of an equipped children's playground (at a minimum of 75sqm per 10 dwellings) and Other Children's place.
- Delivery of open space (including phasing) including ongoing maintenance and public access to all open space and child play facilities in perpetuity.
- The delivery including phasing of the Cemetery provision
- Police contributions - £35,841
- 30% Affordable housing (75% social rented and 25% part ownership).

## **RECOMMENDATION B**

That subject to the completion of the agreement in recommendation A, planning permission be granted subject to the following conditions:-

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No materials shall be placed on the site until such time as samples of the facing bricks and any other materials to be used on the external walls and of the roofing slates, tiles and any other materials have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.  
REASON: To make sure that the appearance of the completed development is satisfactory.
3. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawing No S6566\_100\_01 Planning Layout Rev E (residential layout and combined layout) received by the local planning authority on Friday 25th July 2014.  
REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.
4. No development, including site works, shall begin until a landscaping scheme, for the residential development site area, excluding the cemetery area as shown on drawing 11.12/04 rev C, to include those details specified below, has been

submitted to and agreed in writing by the local planning authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any structures to be erected or constructed;
- vi) functional services above and below ground; and
- vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed..

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

5. The landscaping scheme for the residential development area, excluding the cemetery area, shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. No dwelling or building on the site shall be occupied until a landscape management plan for a minimum 10 years following completion of the development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens and the cemetery, has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.

REASON: To make sure that the appearance of the development is satisfactory and to help assimilate the development into its surroundings.

7. No development, including site works, shall begin until a landscaping scheme, for the cemetery area based on the scheme shown on drawing 11.12/04 rev C, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;
- v) any structures to be erected or constructed;
- vi) functional services above and below ground; and
- vii) all existing trees, hedges and other landscape features, indicating clearly

those to be removed..

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

8. The landscaping scheme for the cemetery area shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the adjacent housing development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

9. The cemetery shall not be brought into use (or opened for public access) until a landscape management plan for a minimum 10 years following completion of the development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within the cemetery has been submitted to and agreed in writing by the local planning authority. The agreed landscape management plan shall then be fully implemented.

REASON: To make sure that the appearance of the development is satisfactory and to help assimilate the development into its surroundings.

10. The existing trees shown to be retained on drawing Planning Layout – Residential Layout S0000-100-01 rev B shall be retained and not be felled, lopped or uprooted without the previous written agreement of the local planning authority. Any trees removed, dying, becoming severely damaged or diseased shall be replaced with trees of such size and species as previously agreed within one year of the date of such loss. for a period of 5 years from the date the development begins.

REASON: The trees are an important feature in the area and their retention is necessary to help screen the new development and prevent undue overlooking of adjacent dwellings.

11. No development, including site works shall commence until each tree shown to be retained on drawing Planning Layout – Residential Layout S0000-100-01 rev B has been protected, in a manner previously agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on that phase of the development. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

12. The hedges shown to be retained on drawing Planning Layout – Residential Layout S0000-100-01 rev B shall be retained and maintained at a height no lower than 1.2 metres. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of any such loss.

REASON: The hedge is an important feature in the area and its retention is necessary to help screen the new development and prevent undue overlooking of adjoining dwellings.

13. No development, including site works shall begin until the hedges shown to be retained on drawing Planning Layout – Residential Layout S0000-100-01 rev B have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.

REASON: The hedges are an important features in the area and this condition is imposed to make sure they are properly protected while building works take place on site.

14. The application shall include open space/children's play area provision at a rate of 200 square metres per 10 dwellings, of which 75 square metres per 10 dwellings must include play equipment. Details of this play area including play equipment shall be submitted to and approved in writing by the local planning authority. It shall then be laid to and completed in accordance with these approved details and made to the public before the occupation of the 75th dwelling.

REASON: To make sure that adequate open space is provided within the development and in accordance with the requirements of Policy RT/3 of the Borough of Charnwood Local Plan.

15. Prior to the occupation of any dwelling, details of all external lighting for the completed scheme, including lighting on footpaths, shall be submitted to and approved in writing by the local planning authority. These submitted and agreed details shall accord with the recommendations of the Ecological Appraisal (ref. FPCR February 2014). The development shall be carried out in accordance with these approved details.

REASON: To ensure the completed development takes the agreed form and to ensure important features of ecological interest are protected.

16. Development shall not begin until details of design for off-site highway works being traffic calming features and the relocation of the speed limit on Melton Road and improved junction radii at the Millstone Lane/Melton Road junction have been approved in writing by the local planning authority; and no dwelling in

the development shall be occupied until that scheme has been constructed in accordance with the approved details.

REASON: In the interests of highway safety.

17. Before first use of the development hereby permitted, a footway shall be completed to the satisfaction of the Highway Authority along the application site side of Millstone Lane from the proposed cemetery entrance to the junction of Melton Road to connect into the existing footways on Melton Road. The design shall include suitable pedestrian crossing points at road junctions including at the junction of Millstone Lane with Melton Road.

REASON: The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.

18. No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.

REASON: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

19. Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors or 6.5 metres for doors opening outwards and thereafter shall be so maintained.

REASON: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

20. The gradient of the access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.

REASON: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

21. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

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

REASON: To reduce the possibility of deleterious material (mud, stones etc)

being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

23. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.  
REASON: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
24. The car parking facilities including garaging, shown within the curtilage of each dwelling or serving each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.  
REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
25. Before first occupation of any dwelling, its access drive and any turning space shown on the amended plan, shall have been provided and have been surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.  
REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
26. Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.  
REASON: In the interests of pedestrian safety.
27. Before the proposed Cemetery is first brought into use, its access road from Millstone Lane, shall have been provided in accordance with the details shown on the submitted plan, and have been surfaced in tarmacadam, concrete or other similar hard bound material for a minimum distance of 10 metres behind the highway boundary. Once provided the access road shall thereafter be permanently so maintained.  
REASON: In the interests of highway safety.
28. Before the Cemetery is first brought into use, the proposed car parking facilities shown serving within its curtilage, shall have been provided, hard surfaced and made available for use. Once provided, it shall thereafter be permanently so maintained.  
REASON: To ensure that adequate off-street parking provision is made to



reduce the possibilities of the proposed development leading to on-street parking problems in the area.

29. No part of the development as approved shall be brought into use until details of a Residential Travel Plan has 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. The Plan, once agreed, shall be implemented in accordance with the approved details.

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.

30. No development shall take place until such time, as a Construction Environmental Management Plan has been submitted to, and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for;
- Hours of construction works
  - Details of any lighting to be installed during the construction works
  - Fugitive dust mitigation measures, in accordance with the submitted Air Quality Assessment.
  - method statement regarding the protection of local residents from silt and pollution during construction work
  - There should also be no burning of waste on site.

REASON: The site is close to residential properties and a limit on the construction management is needed to prevent nuisance or annoyance to nearby residents.

31. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

32. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme to be submitted shall:

- Demonstrate the utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site.
- Demonstrate the limitation of surface water run-off to the equivalent Greenfield runoff rate.
- Demonstrate 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
- Provide the infiltration testing results and justify why the estimated infiltration rate of 0.074m/hr has been used to estimate the total required attenuation volume opposed to the more conservative 0.054m/hr estimated infiltration rate.
- Confirm that the infiltration devices provide sufficient freeboard and that the infiltration devices are designed for exceedance.
- Clarify the half drain-down time of the Infiltration Basin.
- Demonstrate the responsibility for the future maintenance of drainage features.

REASON: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

33. All burials in the cemetery shall be:

- a minimum of 50 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains.

There shall be no burial into standing water and the base of the grave must be above the local water table.

REASON: To protect the quality of controlled waters in the local area. The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution

34. No works shall begin on the site until such time as a detailed gas monitoring program has been completed, together with a scheme of necessary remedial measures to render the site suitable and safe for development and to protect the locality, have been submitted to and agreed in writing by the local planning authority.

REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking and re-enacting that Order, with or without modifications), no additional openings or windows shall other than those shown on the approved plans shall be inserted in the side (west) elevation of plot 18, the side (south) elevation of plot 11, the rear (north) elevation of plot 21 and the side (west) elevation of plot 27, at either first floor or roof level.

REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.

36. No development, including site works, shall start on the site until details of existing and proposed levels, including ground levels, finished floor levels of all dwellings and a number of sections across the site (these sections to extend to land and buildings adjoining the application site), have been submitted to and agreed in writing by the local planning authority  
REASON: To make sure that the development is carried out in a way which is in character with its surroundings.
37. The development shall be carried out only in accordance with the details agreed under the terms of the above condition.  
REASON: To make sure that the development is carried out in a way which is in character with its surroundings.
38. No dwelling shall be occupied until a scheme of public art within the development, including proposals for its management and a timetable for its implementation, has been submitted to and agreed in writing with the local planning authority. The approved scheme shall be implemented in accordance with the agreed timetable.  
REASON: To enhance the appearance of the development and introduce a distinctiveness to its character in accordance with the intentions of Policy EV/43 of the adopted Borough of Charnwood Local Plan.
39. No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the local planning authority.  
REASON: To ensure the satisfactory, overall appearance of the completed development.
40. No use or occupation of the building hereby permitted shall take place until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.  
REASON: To ensure the satisfactory, overall appearance of the completed development.

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

1. It is recommend (if not adopted by LCC SAB or designed to their standards in Sustainable Drainage Systems (SuDs) Design Guidance January 2014 draft (or subsequent final document), that attenuation ponds and swales are designed and constructed following the recommendations of CIRIA C697 The SuDs Manual.
2. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended), therefore should nesting birds be present in the vegetation subject to

the consent, vegetation clearance should be deferred until the young birds have fledged. The nesting bird period is considered to take place between March and August inclusive, but may start earlier and extend later.

3. The details submitted with regards to the landscaping conditions, should include the retention and strengthening of the boundary hedge along the whole length of the northeast boundary of the application site (excluding access of the existing footpath). In addition the submitted details should take into account the Ecological Appraisal (Ref. FPCR Feb 2014).
4. With regards to the Travel Plan to be submitted accordance with condition 29; The Plan should specify facilities and measures with measurable out put and outcome targets designed to:
  - Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site,
  - Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel,
  - Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.The Plan shall also specify:
  - The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,
  - The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.
  - The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
  - Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.
5. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: - For 'major' accesses - see Part 6 of the "6Cs Design Guide" at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg)  
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
6. A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

7. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
8. You may have a duty to register the water-retaining structure with the County Council as the proposed development may be subject to the provisions of the Reservoirs Act 1975 and should contact the County Solicitor for guidance/advice.
9. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
10. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
11. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
12. If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highway Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.
13. Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-

mail roadadoptions@leics.gov.uk if you wish to discuss further.

14. Separate consent under Section 23 of The Land Drainage Act 1991 will be required from Leicestershire County Council as the Lead Local Flood Authority for the proposed culvert. Forms can be downloaded from the County Councils website, and there is a £50 administration fee in connection with the approval. For further information and guidance please go to the following website: - <http://www.leics.gov.uk/watercourse.htm>

15. The County Councils Right of Way team has provided the following advice  
The Public Footpath must not be further enclosed in anyway without undertaking discussions with the County Councils Travel Choice and Access Team (0116) 305 0001.  
The Public Footpath must not be re-routed, encroached upon or obstructed in anyway. To do so may constitute an offence under the Highways Act 1980. If the developer requires a Right of Way to be temporarily closed or diverted to enable construction works to take place. An application should be made to [roadclosures@leics.gov.uk](mailto:roadclosures@leics.gov.uk) at least 8 weeks before the temporary closure / diversion is required.  
Any damage caused to the surface of a Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.  
If work is proposed to be carried out on the surface of a Public Right of Way, prior consultation with the County Council's Rights of Way Inspector must be undertaken. He can be contacted on 0116 305 0001.  
No new gates, stiles, fences or other structures affecting a Right of Way, of either a temporary or permanent nature, should be constructed without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of a Right of Way and the County Council may be obliged to require its immediate removal.  
Any new trees or shrubs which are proposed to be planted adjacent to a Public Right of Way should be set back by a minimum of 1 metre from the edge of the route and be species which do not spread. This will minimise the likelihood of the width of the Right of Way being encroached upon and reduced by overhanging vegetation in the future.

16. With regards to the details submitted under condition 32, the Environment Agency has offered the following guidance notes;  
-The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.  
-Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water

on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

-Suds involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in the National Planning Policy Framework (NPPF).

17. The Environment Agency has referred the applicant to our groundwater policies in Groundwater Protection: Principles and Practice (August 2013), available from our website. This sets out our position for a wide range of activities and developments including cemetery developments. For example, the following basic good practice's should be followed:

- Have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the carcass;
- Have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained)

The proposed cemetery is approximately 460m from a groundwater abstraction. With reference to the geological maps, it can be seen that due to distance as well as geological/hydrogeological factors the proposed cemetery is unlikely to pose a significant risk to the abstraction borehole.

18. During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

19. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies ST/1, ST/2, ST,3, EV/1, EV/17, EV/20, EV/39, H/5, H,16, CT/1, CT/2,

CT/4, TR/1, TR/6, 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 settlement coalition, harm to the character of the area of local separation and countryside, highway safety, residential amenity and impact to local infrastructure, are insufficient to warrant the refusal of planning permission.

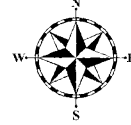
20. The decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
21. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990.
22. This decision notice includes a condition or conditions which require something to be done before any work starts on site. Unless such conditions are fully complied with, the development carried out may be unlawful and could be the subject of enforcement action. Anyone implementing this permission should pay special attention to such conditions and make sure that there is full compliance with their requirements before any development starts on site.





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**Application No:**

P/14/0393/2

**Location:**

Land off Millstone Lane, Queniborough, Leicestershire

**Scale:**

1:5000

