

## Item No. 1

### Application Reference Number P/13/1696/2

<b>Application Type:</b>	Outline Planning Permission	<b>Date Valid:</b>	19 <sup>th</sup> August 2013
<b>Applicant:</b>	Shield Engineering (Syston) Ltd.		
<b>Proposal:</b>	Site for the erection of up to 125 dwellings following demolition of industrial buildings and associated landscaping, infrastructure and formation of access from Melton Road.		
<b>Location:</b>	Land at Queniborough Lodge, 1446 Melton Road, Queniborough, Leicestershire, LE7 3ZH.		
<b>Parish:</b>	Queniborough Syston	<b>Ward:</b>	Queniborough Syston West
<b>Case Officer:</b>	Jacqueline Jackson	<b>Tel No:</b>	01509 634770

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The application site is located to the south of Queniborough, on the north boundary of Syston and would be accessed off Melton Road. The application site is currently Industrial 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'. The site itself is made up of a number of industrial buildings and sheds, along with open storage and associated infrastructure. The boundaries of the site are heavily planted with conifer trees and there is very little, if any views into the site. Immediately to the south-east of the application site, there is an existing house (Queniborough Lodge), this property and the area surrounding it will be the subject of the next planning application this committee will consider. The area to the north of the application site is identified as within a flood risk area, however, the application boundary of this application has been amended to ensure the site falls outside both Flood Zones 2 and 3.

The application seeks outline planning permission for up to 125 dwellings with associated amenity space and drainage. The open space and recreation areas associated with the residential development are subject to a separate application, which will also be considered later on this agenda. The outline planning application includes details of the access point onto Melton Road. The application has been amended and now includes the provision of 30% affordable housing. The submitted Masterplan is for indicative purposes only as it was submitted prior to the application site boundary being amended to exclude flood zones 2 and 3, but is useful for assessing the design approach which could be taken with the application, sustainable urban drainage proposals and great crested newt mitigation etc.

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

- Illustrative masterplan
- Site location plan
- Application form
- Design and Access statement
- Archaeological desk-based assessment

- Phase 1 and 2 site disposal assessment
- Public exhibition and community involvement information
- Topography surveys
- Great crested newt survey report
- Geophysical survey report
- Transport assessment
- Bat survey report
- Ecological appraisal
- LVIA methodology
- Tree survey
- Landscape and visual impact assessment
- Noise assessment report
- Statement of community involvement
- Flood Risk Assessment
- Viability Assessment.
- Heads of Terms for a Section 106 Agreement.

### **Relevant planning history**

The lawful use of the application site is industrial / manufacturing use (use class B2 and B8).

This application seeks planning permission for up to 125 dwellings on the brownfield land associated with the industrial use of the site.

This application has been submitted as a group of three applications, all associated with each other. The other two applications are also to be considered by plans committee tonight;

- P/13/1655/2 – Change of use of land for open space, recreation, landscaping, two ecological ponds and associated infrastructure.
- P/13/1613/2 – Conversion of outbuildings to form 7 dwellings, erection of 3 detached garage blocks, following demolition of industrial buildings. Erection of detached dwelling and carport following demolition of existing detached dwelling to front of site. Erection of detached garage block to serve existing dwelling and construction of access onto Melton Road with associated works.

Although these applications should be judged on their own merits and determined individually by Members, it is important to consider the impact and overall design approach and impact on the wider area, of the combined applications, when determining this application. If approved, the applications will be tied together within the S106 agreement.

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

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

The law is clear that 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-coordinated, 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 - Seeks to ensure that developers provide financial contributions for things which have an impact on related infrastructure or community facilities. However, it should be noted that, further to recent legislative reform strengthening the position in Circular 05/2005, Section 106 obligations can only be pursued where their requirements are:

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

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 E/7 – Control of Employment use in Primarily Employment Areas

Policy E/8 – Safeguarding of Employment Land and Buildings.

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 Developments - 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.
- 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.

### 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). Para 118 sets out the principles when determining planning applications for which development which has an impact on biodiversity.
- Para 121 deals with ground conditions and environmental pollution
- Para 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 lpa's 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). The policies in The Framework apply from the day of publication (27 March 2012) and means that all the previous Planning Policy Statements and Guidance, and the associated Chief Planning Officer letters, are now cancelled.

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.

#### The Framework Technical Guidance

This document provides additional guidance to local planning authorities to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework on development in areas at risk of flooding, the overall aim being to steer new development to flood zone 1. Where there are no sites available in zone 1, local authorities should take into account the flood risk and vulnerability of



uses based on the tables in the guidance and consider reasonably available sites in zone 2. The Strategic Flood Risk Assessment should determine whether a site is within a specific zone, and provide the basis for the Sequential Test. Where development is acceptable, depending on its flood risk vulnerability, an exception test will provide opportunities for minimising impact through design of buildings, floor levels, and position of items such as wiring and plug sockets. A site specific Flood Risk Assessment will be required for development depending on size and its location within a flood zone to assess the risk from flooding for a development. Any residual risks should be safely managed. Flood resistance and resilience measures should not be used to justify development in inappropriate locations.

### 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.

Affordable Housing (SPD) clarifies the Local Plan policies on affordable housing and increases the proportion of affordable homes the Council will seek on a new housing scheme to a minimum of 30%. It sets clear guidelines about how the Council will determine the type and tenure of dwellings as well as their design and layout.

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 taken into account when determining a planning application for a development that 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.

### Emerging Local Plan Core Strategy

The Council is in the process of preparing a Core Strategy for the Borough. In October 2013 Charnwood Borough Council approved the Charnwood Local Plan 2006 to 2028 Core Strategy for submission to the Secretary of State and it was formally submitted to the Secretary of State on the 20<sup>th</sup> December 2013. This draft development strategy identified two sustainable urban extensions as a way of dealing with housing need; one west of Loughborough and one north-east of Leicester. It has also identified two directions for growth; north of Birstall and adjoining Shepshed. The Framework says that the Core Strategy is a material planning consideration and weight can be given to it as it progresses towards being adopted. However, the degree of weight given to each policy prior to its adoption also depends on whether or not the policy is consistent with the NPPF and whether it is contentious. The Core Strategy covers a wide range of issues and therefore it is no surprise that some issues have been more contentious than others. For example, how much housing is needed and where it should go. The following scenarios illustrate all this:

- If a Core Strategy Policy is clearly consistent with the NPPF, it reflects an adopted Local Plan policy and has not proved to be contentious, it carries considerable weight.
- If a policy is not consistent with the NPPF and has no equivalent Local Plan policy and is contentious, it carries very little weight.
- If a policy in the Core Strategy is consistent with an adopted Local Plan policy, but there is no equivalent policy in the NPPF, then only limited weight can be attributed to it, and less if it is contentious.
- If a policy in the Core Strategy is consistent with the NPPF but conflicts with a saved policy and it is contentious, then again only limited weight can be given to it.

Given the bullet points above, due to the lack of a 5 year supply of housing and housing figures and the direction for growth being contentious, emerging Policy CS/1 can only be given limited weight in the determination of this planning application. Nevertheless, the evidence base used to inform the preparation of the emerging core strategy is a material consideration.

### 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.

### CABE 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.

### Safer Places- The Planning System and Crime Prevention (ODPM 2004)

This is a companion guide to PPS1, designed to encourage greater attention to the principles of crime prevention, and to the attributes of safer places. It is concerned with the promotion of safe, sustainable and attractive environments to meet wider planning objectives.

### 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.

Housing and Growth Written Statement 6<sup>th</sup> September 2012. This is a written ministerial statement by Communities and Local Government Secretary Eric Pickles, on the government's housing strategy.

In March 2011, the government published its Planning for Growth statement which sets out steps that the government expects local planning authorities to take with immediate effect. These included the promotion of sustainable economic growth, to plan positively for new development, to deal favourably with applications that comply with up-to-date plans and national planning policies and to approve them where plans are out of date. Housing should be facilitated on a flexible and

responsive supply of land. The statement indicates that the Secretary of State for Communities and Local Government will attach significant weight to the need for economic growth and employment in determining applications that come before him.

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 Highways has raised no objections to the application, and have confirmed the proposal is generally acceptable. They have suggested a number of conditions and s.106 requirements. The s.106 requirements have been included in the list of current heads of terms that are considered in greater detail later in this report. The appropriate conditions have been included within the officer recommendations.

#### Leicestershire County Council – Developer Contributions

Leicestershire County Council has sought contributions towards, libraries and highways in order to mitigate the development these have been included in the list of 'heads of terms' that 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 or civic amenity as there is sufficient capacity in the existing facilities to cope with the additional demand of this development.

Environment Agency initially objected to the application as the application site fell within an area identified on their maps flood zones 2 and 3 and was not supported by a Sequential Test. The application site boundary has now been amended to exclude all land within flood zones 2 and 3. On receipt of these amended plans the Environment Agency has confirmed they withdraw their objection to the proposal. They have included a number of conditions which have been considered by officers and where appropriate have been included within the officer recommendation.

Network Rail has raised no objection in principle to the development but has highlighted some requirements which will need to be met by the developers with regards to drainage and railway access. These have been noted and where appropriate included in the officer's recommendation.

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.

Natural England has not objected to the proposal but has made some comments which are summarised below;

- Great Crested Newts – Initially Natural England raised concerns over the mitigation strategy and advised that planning permission should

not be granted till the issues were addressed. This has now been done by the applicant and Natural England has confirmed they do not object to the proposed development as although the development will affect the breeding site and resting places of the great crested newt population on the site they are satisfied the proposed mitigation is broadly in accordance with the requirements of the guidance. They have referred to their standing advice.

- Bats – they have confirmed they raise no objections in relation to bats as although the bat population is likely to be effected by the development they are satisfied the proposed mitigation is broadly in accordance with the requirements of the associated guidance. They have requested a condition to be attached to any approval of planning permission to protect the bats and their habitats.
- Biodiversity Enhancements – The local planning authority should consider securing measures to enhance the biodiversity of the site, if minded to grant planning permission for the application. This is in accordance with paragraph 118 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act (2006).
- They also highlight the applicant may provide opportunity to landscape enhancement and should also be considered by the local planning authority.

Leicestershire Police – *“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.*

*In relation to Queniborough I accept your point about proximity of the LPU station at Syston. Residents of the development can easily access beat staff at the latter and so I am happy that we do not seek funds for a hub service from this scheme. I confirm that the request total in relation to this development should be reduced to £55,243.”*

Since this statement was made further discussions have taken place and consideration been given to the current use of the site and the potential policing demand this may have. This assessment has taken place to ensure the request is fair and directly related to the site. Following this further assessment the total requested contribution is now £39,965.

### **Other Comments Received**

Queniborough Parish Council has raised a number of objections to the proposal. These have been summarised below;

- This application along with P/13/1613/2 would increase the number of dwellings in the village by 10%. This will have a considerable impact on the

infrastructure and resources in the area, especially school, health services, recreational resources and cemetery provision.

- Concerns are also raised regarding the increase in traffic. Melton Road has pupils travelling to Wreak Valley Academy from the direction of Queniborough and East Goscote, a cycle way and with this development increasing pupils travelling to Queniborough Primary School. At peak times with traffic travelling in these different directions the mix of cars, pupils walking and cycling and the close proximity of the junctions of this development, Milestone Lane, Brighton Avenue and Parkstone Road, there is a real danger of an increase in accidents in the area.

If planning permission is granted for this development the Parish Council would wish to see in addition to the improvements to the local infrastructure and resources, a consideration given to the type of housing mix. In addition if the development goes ahead the Parish Council would wish to see as such as possible to mitigate the traffic problems it describes, including a safe pedestrian way into the development and cycle way.

Notwithstanding the Parish Councils objection above, the development provides no on site provision for Youth and Adult recreation. As such a commented sum will be required for off site provision. The parish council has provided details of current projects where the commuted sum could be used to improve / extend youth and adult recreation within the Parish of Queniborough; these include

- Additional outdoor recreational facilities for the 10 years to 30 years old, in the form of outdoor gym equipment including additional pitches.
- Extend and update facilities at the village hall to provide a wider range of activities and ensure a greater number of people can access the facilities.

CPRE Have raised a number of concerns, I have summarised these below;

- Loss of employment land - given proximity to residential area and good transport links. They point that economic is one of the three dimensions of sustainable development as set out in the NPPF and as such the loss of employment land to housing is ill-considered.
- Flood risk – The Environment Agency has confirmed the land is within flood zone 2 and 3 according to their flood maps. As such the sequential test should be applied.
- Lifetime homes – CPRE are keen to see both open market housing and affordable housing built to the standards of Lifetime homes. And highlight that there is no single storey accommodation proposed in this application.
- Play area in middle green
- Affordable open market housing – the proposal should include a sufficient mix of open market housing including smaller more affordable units.

On a positive note they have commented that the landscaping proposals seem well thought-out and the proposals for the protected species are noted.

We have received one letter of objection from local residents;

The occupiers of 1387 Melton Road (opposite the application site) have strongly objected to the planning applicant. I have summarised their concerns below;

1. Isolated – the proposed dwellings will be isolated, forming a separate enclave or ‘village’ which will lack basic facilities. The location does not relate will with Syston or Queniborough and as such would be Unsustainable as car journeys will be necessary to access basic facilities.
2. Erosion of Green Wedge – Although the front field is to be retained, the development represents further erosion of the green wedge between Syston and Queniborough.
3. Traffic – Although they welcome the removal of industrial premises in this location, 125 dwellings will generate a large amount of traffic, especially in the morning rush hour which will be compounded by journeys to the neighbouring school. The position of what will be a busy junction onto Melton Road is directly opposite their neighbour 1389 Melton Road. The Syston bypass relived traffic problems on Melton Road and this development will restore traffic levels and problems to their former levels.

Housing Strategy & Support Manager, CBC – Has raised concerns regarding the lack of affordable housing and has pointed to Charnwood Borough Councils affordable housing SPD and section 6 of the NPPF. The housing team feel at the very least an independent appraisal of the viability assessment is carried out and they feel it could be asserted that the development through failing to provide affordable housing does not support the authority in meeting the full need for market and affordable housing.

Open Spaces, CBC – Initially objected to the lack of on site provision for youth and adult recreation. Following further discussions regarding this issue they are happy with the provision of off site commuted sum towards the projects identified by the Parish Council. They have indicated the Borough Council is unlikely to adopt the public open space and play equipment within the site due to its location and connection with the existing residents of Syston and Queniborough, as such the s.106 will have to make provision for the future management and maintenance of these areas through a management company.

Environmental Health, CBC – Initially raised concerns regarding air quality , however following further discussions it was agreed that a full air quality assessment was not required. They have however suggested conditions relating to ground contamination, noise and construction method statement. These have been considered by officers and where appropriate included in the officer recommendation.

Drainage, CBC – Has raised no objections to the proposal, subject to the approval of an acceptable sustainable drainage strategy.

### **Planning Considerations**

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

- The principle of the development of land outside the limits to development, within an area of local separation and the 5 year land supply consideration;
- Sustainability;

- The impact on the character of the open countryside and landscape impact;
- Loss of Employment Land
- Impact on the local heritage assets;
- Design and layout;
- Highway safety concerns;
- Flooding and drainage;
- Impact on ecology
- Impact on the amenity of neighbouring occupiers;
- Viability and Affordable Housing.

The principle of the development of land outside the limits to development

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 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.

The Council currently does not have a five year supply of housing. The table below summaries the Borough Council's 5 year housing supply position;

	<b>Charnwood Borough Housing Supply Estimate as at 31<sup>st</sup> January 2014</b>	<b>Charnwood Total</b>
a	Charnwood Pre- Submission Draft Core Strategy Housing Requirement (2006-2028)	17380 790per annum
b	Completions (2006-2013)	5,010
c	Expected Completions (2013-14)	536
d	Completions 06-12 and Expected Completions 2013-2014(b + c)	5,546
e	Residual Requirement 2014-2028 (a – d). (11,.834 \ 14 years = 845)	11,834 845 per annum
f	Requirement for 5 years 2014-2019, (5x 845).	4,225
g	Requirement for 5 years 2014-2019 with 20% buffer for under delivery in accordance with NPPF.	5,070
h	Expected supply of deliverable sites (planning permissions likely to be built 2014 - 2019)	3,818*
i	Surplus over requirement (h - g)	-1,252



j	Number of years supply (h divided by 1014 ).	<b>3.77 years</b>
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\*includes sites that are awaiting signing of S.106's. and also includes appeal decisions - Melton Road Barrow (subject to legal challenge) & Rempstone Road, Wymeswold.

Charnwood Borough Council has an overall 3.77 year's supply of deliverable sites based on housing requirements for the period 2008 to 2028. Whilst this can only be an estimate, it is nevertheless informed by current levels of supply and completions and at present therefore, it is the view of your Officer that the Council does not have a robust 5 year plus 20% supply of housing land across the Borough.

Whilst it is preferable for the Borough's housing requirements to be addressed through the Council's Local Plan's Core Strategy and Site Allocations Document, this will not address the issue of supply in the short term. Paragraph 49 of the Framework makes a presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority can not demonstrate a five year supply of housing sites. The Council are required to give significant weight to developments which are in a sustainable location and where the adopted local plan is either silent or outdated. This is made clear in paragraph 14 of The Framework. The lack of a five year supply means that to refuse the application the Council must conclude that the proposal development would result in adverse impacts that significantly and demonstrably outweigh the benefits of providing this much needed housing.

The Framework also indicates that an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land should be found. 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)

In addition to the above, paragraph 111 of The Framework encourages the effective use of land by re-using land that has been previously developed (brownfield land), providing that it is not of high environmental value.

Although it is recognised that the Borough Council's draft Core Strategy has now been submitted to the Secretary of State it policies relating to service centres and allocation of housings (Policy CS1) still has limited weight. Given the majority of the site is brownfield land, the lack of a 5 year supply of housing land 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 is supported.

### Sustainability

System and Queniborough are both currently considered as Service Centres with a range of essential facilities and services. The draft Core Strategy downgrades Queniborough to an 'other settlement', however as previously identified Policy SC1 (Development Strategy) of the draft Core Strategy currently has little weight. In

addition, the site is served by a regular bus route with bus stops well within the recommended 800m 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 they have no objection to the proposal as the existing education facilities are able to meet the needs of the development, and 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 due to the proximity of the site to Syston, a number of services and facilities within Syston are within a reasonable walking distance. The proposal would therefore constitute sustainable development in accordance with paragraph 7 of the Framework's three dimensions to sustainable development: economic, social and environmental.

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

The application proposed development on land which is currently used for Industrial/ Engineering activity, nevertheless is identified within the Local Plan as outside the identified limits to development in an 'Area of Local Separation'.

The proposal is contained within the brownfield elements of the existing employment use. Although the industrial activity is unauthorised, it is recognised that the use is exempt from enforcement action due to the length of time the operations within the site have been running. As such, it is clear that the site can be classed as brownfield land. Paragraph 111 of The Framework encourages the effective use of land by re-using land that has been previously developed (brownfield land), providing that it is not of high environmental value. It is not considered this area is of high environmental value.

There is a large area of open space to the front of the site, the majority of which is to remain open to protect the perception of the 'area of local separation'.

An assessment of the landscape character has been undertaken and given the current use, the character of the site and the retention of the open meadow area to the front of the site, adjacent to Melton Road, it is your officers opinion that 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. The area would extend outside the defined limits to development; however the area to be lost would be very limited and is brownfield land. It 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 it is recognised there would be some impact on the character and appearance of this area of local separation, the significance of this impact is considered limited. It is considered the separate identity of Queniborough and Syston would be retained and the harm caused to their identity and character, by the development would also not be so significant or demonstrable as to warrant a refusal of planning permission.

Careful consideration has been given to the ecological impact of the development. Protected species including Great Crested Newts have been identified within the site, and appropriate mitigation strategies and reports have been submitted as part of the planning application. Although the proposal would inevitably have some impact on the current ecology of the site, it is considered that through the mitigation strategies, landscaping buffers, remediation works and successful landscape schemes the development could deliver mitigation and improvements to the ecological habitats and corridors. Both Natural England and the Borough Councils Ecologies have raised no significant objections to the proposal, however it is recognised the remediation works and mitigation strategies will be complex, specially with regards to timing. As such it is recommended that detailed conditions are attached to any approval of planning permission to ensure these biodiversity benefits are delivered.

The current site is surrounded by conifers which are considered inappropriate for this location, as such the masterplan indicates a vastly improved landscaping scheme, including indigenous trees and landscaping buffers which will inevitable also help to assimilate the new development into its countryside edge setting as the planting matures.

#### Loss of Employment Land

The Borough Councils saved Local Plan policies E/7 and E/8 aim to safeguard existing employment uses to protect both businesses and employment. However, the site is not identified in the Local Plan as a 'primarily employment area.' Similarly the Framework seeks to safeguard existing employment areas and encourage their growth where they are sustainable as this would help deliver the economic role of sustainable development.

The industrial activity on the application site has now ceased, and although the use is unauthorised, due to the period of time the activity on the site has been present, the employment use is exempt from enforcement action and could be legalised by way of a Certificate of Lawful use if an application and sufficient evidence was submitted. As such employment/industrial activity could continue to operate from the site.

The above development plan policies and material planning considerations to protect employment land needs to be balanced against the Frameworks presumption on favour of sustainable development, and the immediate need for housing land with Charnwood due to its 5 year supply. Both paragraphs 17 and 111 of The Framework encourages the reuse of brownfield sites; *"planning policy and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value."*

The suitability of the site for employment use has been considered, as although it is recognised the site is sustainable given its location, questions have been raised regarding the road networks suitability in this location for heavy goods vehicles and its remote back land location. Although it recognised that the protection of employment land is a strong planning consideration, on balance given the nature of

the site, the fact that it is not identified as a 'primarily employment area' and the Borough's current housing supply position it is considered the loss of employment land on this occasion does not override the benefits of providing the much needed housing land on a brownfield site, in a sustainable location

#### Impact on the local heritage assets

The application site is located on the northern edge of Syston. The detail of the application including its design, layout and landscaping are reserved, however the masterplan aims to demonstrate that the impact on the local heritage assets can be mitigated by the proposals.

There is an area of archaeological interest to north-east corner of the site and a desk based archaeological survey has been submitted with the application. This has been considered by the local planning authority and it is your officers opinion that no further archaeological investigations are required and the proposal raises no significant risk to archaeology.

#### Design and layout

This application is for outline permission, with all matters (apart from access) reserved for subsequent approval. An illustrative masterplan has been submitted in support of the application and an assessment of this masterplan has taken place. It is considered the application would use the land efficiently and effectively, with the potential of achieving high quality housing and design. The housing would be contained within the brown field elements of the site and attractive landscaping, ecological and drainage buffers can be obtained along the boundaries of the site. The overall design concept is considered to be acceptable and suitable for its locality and it is considered to have the potential to score high with regards to the Building of Life criteria. Care will need to be taken at reserved matters stage to ensure the design details match up to the quality of the design philosophy identified in this outline application and can be secured through conditions.

#### Highway safety

Concerns have been raised regarding both the safety of the access points into Melton road and the capacity of the wider highway network to cope with the increase of traffic. The County Highway Authority has confirmed that it raises no objection to the proposed development. It considers the development would not represent a highway safety danger and that the increase in traffic onto the highway network can be mitigated through conditions and section 106 obligations, to secure sufficient and suitable parking within the site and measures to encourage sustainable transport use by new residents. Given the above, it is considered there are no defensible grounds to refuse planning permission on the highway safety implications.

#### Flooding

The application has been amended to exclude all land within Flood Zones 2 and 3, and the Environment Agency has confirmed it has no 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 to ensure they meet the needs of all interested parties and the adopting body.

#### Impact on the amenity of neighbouring occupiers

Impact on neighbouring property's residential amenity has been carefully considered. Although the final layout and design of the proposed dwellings will be the subject of a detailed approval at a later date, the illustrative masterplan indicates the proposal can accord with Borough Council's space between buildings guidance set out in the Borough Council Supplementary Planning Document 'Leading in Design'. As such there is no evidence that the proposal would have a significant or demonstrably detrimental impact on the residential amenity of neighbouring residents to warrant the refusal of this outline planning application.

Some concerns have been raised regarding disturbance from the proposed new access and the increase in traffic. It is recognised the proposed access will be moving closer to existing properties on the opposite side of Melton Road. However the number of commercial and heavy goods vehicles using the site will be reduced. Given the advice within paragraph 14 and 17 of the Framework, it is considered by officers, that although there will be some increase in traffic using the new access, the impact on neighbouring residents would not be so significant or demonstrable as to warrant the refusal of planning permission.

Care will be taken at reserved matters stage to ensure residential amenity continues to remain acceptable for both neighbouring residents and future occupiers of the development.

#### 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 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 backed by the Council's SPD Section 106 Contributions, which identifies the criteria, and by the Affordable Housing SPD. The contributions requested are assessed below:-

##### Libraries - £7,700

The proposal would be likely to result in an additional demand placed on existing library services. The proposed development would lead to approximately 500 additional items being required. The proposed request is for £7,700 (£27.18 x per 1 bed dwelling, £54.35 x per 2 bed dwelling and £63.41 x per 3+ bed dwelling). 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. It is

considered that the proposed request complies with the requirements of the CIL Regulations 2010.

#### Health - £8,500

The PCT has identified a potential increase in demand for facilities at Syston Medical Practice. After considering the facilities available they have concluded the demand caused by the development would take their practices above capacity and work would be required to meet this new identified need. As such they have requested a contribution of £8,500 towards additional equipment including spirometry screening devices, 24h BP machines and waiting room chair beams to help the practice manage the additional demand. It is considered that the request is reasonable and justified and related to the development and would comply with the requirements of the CIL Regulations 2010.

#### Recreation - £93,192

The development will result in the ability to 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 £93,192, based on the additional 132 dwellings (This application plus the linked application to be considered next by this committee) 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. It is considered that the proposed request complies with the requirements of the CIL Regulations 2010.

#### Police - £ 39,965

With regard to the request for contributions from the Police, the Council has advice contained within the Section 106 contributions SPD which indicates which contributions would be compliant with the guidance at that time. This does allow for contributions to be secured where there are possible implications for the cost of new Police Stations and contributions towards additional office or other building provision at existing Police Stations where these are fully costed and related to the needs of the development. Revenue costs are not normally considered appropriate, or in line with the SPD. The part of the request which most closely fits with the SPD is that for an increase in cost of providing for growth within the Force Area in terms of accommodation. This SPD needs to be applied having regard to the requirements of the CIL Regulations 2010.

Concern has been raised regarding a number of elements of the police request and their compliance with paragraph 122 of the CIL Regulations due to their imprecise nature and not being reasonably related in kind. Further discussions have now taken place and the Police have revised their request after removing the requirement for a local policing unit given the proximity to Syston police station, carried out an assessment on the potential policing demands of the current use both of which have made the request more directly related to the proposed

development than the original request. In addition, further clarification has been provided regarding the requested contribution and build cost.

Following these amendments and discussions the request is now £39,965. The applicant has confirmed that they accept this request and agree to the contributions.

#### Viability and affordable housing

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. The Borough Council's adopted policy requires the provision of affordable housing at 30% split as follows; 75% of these being for social/affordable rented and 25% for intermediate or shared equity properties. This request is in line with the Council's priorities and helps towards dealing with the Council's shortage of affordable housing. The proposed request is considered to be compliant with Government guidance and Local Plan policy H/5 and would be CIL compliant. The details of the exact arrangement and layout can be agreed through the reserved matters.

Initially the application proposed 0% affordable housing and this was supported by a viability assessment submitted with the planning application. In essence it argued the proposed development was unviable due to the amount of mitigation works and site clearance given the previous use. The applicant argued that in order to make the development viable no affordable housing should be provided on site.

The submitted viability assessment has been independently assessed by the District Valuer. The District Valuer's office report has confirmed that following their research and detailed assessment they are of the opinion that the scheme which comprises of 132 housing units (this application + P/13/1613/2) incorporating a policy compliant affordable housing provision (30% affordable housing) is viable against a benchmark land value of £2,900,000. On this basis it was your officers opinion that the application was contrary to policy H/5 of the adopted Local Plan and there was insufficient evidence to demonstrate the much needed and required affordable houses should be forfeited.

Following the conclusions of the independent assessment of the viability assessment, by the District Valuer, the agent on behalf of the applicant has made the following statement;

*"Although our surveyors do not agree with the conclusions of the DV, we consider the differences in assumptions and approach to be the result of a difference in professional judgement of two surveyors. Therefore, in the interests of allowing the application to be determined at the February Committee, my client accepts that the policy compliant affordable housing provision is required to be made for the scheme."*

Accordingly the applicant has withdrawn the request to provide 0% affordable housing within the site and has confirmed they will provide the full 30% provision of affordable housing within the application site. This will be secured through the S.106 agreement and on this basis the application would comply with saved policies H/5.

## **Conclusion**

The central issue is the need to balance the requirement to make land available for new housing, as set out in the Framework and other government statements, against the impact of development in the Area of Local Separation. It is also considered the development would be sustainable, given the current status of Queniborough and Syston as service centres. The site is also a brownfield site and the Framework clearly encourages the reuse of brownfield sites and there is 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. The Council is on record as conceding that it has persistently underperformed in the delivery of land for housing in the context of 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 very significant weight.

The test from the Framework is whether the main contrary indicator, that of landscape impact, including impact on the area of local separation, impact on the adjacent heritage asset, loss of employment land 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. 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 adverse impact and the benefits outweigh the identified 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 - £8,500
- Library Contributions - £7,700 (£27.18 x per 1 bed dwelling, £54.35 x per 2 bed dwelling and £63.41 x per 3+ bed dwelling).
- 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 months bus passes, two per dwelling (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) £325.00 per pass - NOTE it is very unlikely that a developer will get 100% take-up of passes, 25% is considered to be a high take up rate).
- Bus shelter at 1 nearest bus stop; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter
- Contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service choice to encourage modal shift. - £3,900.
- Contributions towards the off site provision or improvements of Youth Adult recreation within the parish of Queniborough - £93,192 (£706 per dwelling)
- Provision and delivery of an equipped children's playground (min 1,050sqm) and Other Children's place and Public Open Space to be.
- Delivery of open space (including phasing) and ongoing provision of the future maintenance of children's play equipment, open space, amenity space and Suds through a management company agreed by the Local Planning Authority through an open space management strategy document. Including ongoing public access to all open space and child play facilities in perpetuity.
- Police contributions - £39,965
- 30% Affordable housing (75% social rented and 25% part ownership).

These figures are based on a total combined development for P/13/1696/2 & P/13/1613/2 of up to 132 dwellings. If the final number of dwellings is reduced, including application P/13/1613/2 not obtaining planning permission the commuted sums will be adjusted accordingly.

## **RECOMMENDATION B**

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

1. Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years from the final approval of the last of the reserved matters.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:- a. layout, b. scale, c. appearance, d. sustainable urban drainage and e. landscaping.  
REASON: To comply with the requirements of Section 92 of the Town and

Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. The details to be submitted in accordance with Condition No. 2 shall include children's equipped play area provision at a rate of 75 square metres per 10 dwellings.  
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 (Jan 2004).
4. The details to be submitted in accordance with the Condition No. 2 above in respect of public open spaces/children's play areas/tree planting areas and other incidental open spaces to be included in the proposed development, shall contain proposals for the future management of these areas.  
REASON: To ensure the satisfactory provision and maintenance of such areas, in the interests of general amenity.
5. The open space, recreational and children's play areas shall be laid out and landscaped in accordance with the details agreed under the above condition, before the first occupation of the last house on the site to be occupied.  
REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity.
6. The development hereby permitted shall be carried out in full accordance with the Great Crested Newt Mitigation Strategy, FPCR December 2013 unless previously agreed in writing with the local planning authority.  
REASON: To make sure important features of ecological interest are protected.
7. The submission of the reserved matters shall broadly accord with the principles detailed in the Design and Access Statement, Landscape Strategy Plan and Illustrative Layout plan EMS.2469 005F and shall incorporate landscaped ecological corridors measuring at least 10 m in width.  
REASON: To ensure the scheme takes the form agreed by the local planning authority and thus results in a satisfactory form of development.
8. Prior to the commencement of development hereby permitted, details of a bat mitigation strategy in line with the recommendations of the outline mitigation measures of the Bat Survey Report (FPCR August 2013), including details of phasing of development work, shall be agreed in writing with the local planning authority and development shall proceed in accordance with the agreed details.  
REASON: To ensure important features of ecological interest are protected.
9. The plans to be submitted in accordance with Condition No. 2 of this permission shall include a plan, to a scale of not less than 1:500, showing the position, species and branch spread of all trees on the application site and indicating which trees are to be felled and which are to be retained, together with the species of each tree and its canopy spread.  
REASON: To enable the local planning authority to consider the layout of the development and the siting of buildings in relation to the trees.

10. No development, including site works, shall begin until each tree shown to be retained as part of the above condition, has been protected, in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.  
REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
  
11. No development, including site works, shall begin until a landscaping scheme, 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.
  - viii) landscaping details should incorporate the biodiversity enhancement recommendations of the Ecological Appraisal (FPCR July 2013), Great Crested news mitigation strategy (FPCR December 2013) and the creation of a create crested newt corridors.REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.
  
12. The landscaping scheme 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.
  
13. No dwelling or building on the site shall be occupied until a landscape and Biodiversity management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, 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 completed development is satisfactory and to help assimilate the development into its surroundings.

14. Prior to the commencement of development work, a scheme for the provision of bat and bird boxes on retained trees and integrated into new buildings shall be submitted and agreed in writing with the local planning authority and the agreed scheme shall be fully implemented and retained thereafter.

REASON: To make sure that important features of ecological interest are protected.

15. Prior to the commencement of development work an external lighting scheme designed to minimise detrimental impacts on bat species shall be agreed in writing with the local planning authority and the approved scheme shall be implemented as approved. No other external lighting shall be installed thereafter unless previously agreed in writing with the local planning authority.

REASON: To make sure that important features of ecological interest are protected.

16. 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.

17. 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.

18. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development 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.

19. Notwithstanding the details submitted, no dwelling hereby permitted shall be occupied until such time as a new vehicular access has been formed to Melton Road to serve the site, and the proposed highway/traffic calming works shown generally on the submitted plan, have been provided fully in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of highway safety.

20. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities,

access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted and approved in writing by the local Planning Authority.

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

21. The existing vehicular access that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated, in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority, within one month of the new access being brought into use.  
REASON: To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.
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 in writing by the local planning 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 details to be submitted in accordance with Condition No. 2 above in respect of detailed design and layout shall incorporate suitable noise control measures, as recommended in the submitted acoustic report prepared by Blue Tree Acoustics, in order to meet suitable noise level criteria. Details of how these noise control measures have been incorporated shall be submitted to and agreed in writing by the local planning authority and shall be fully implemented.  
REASON: To prevent nuisance and annoyance to future residents.
25. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.  
The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.  
The scheme shall be fully implemented and subsequently maintained, in

accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

26. Finished floor levels are set no lower than 150mm above ground levels.  
REASON: To protect the development from overland flow.
27. Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.  
REASON: National Planning Policy Framework (NPPF) 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. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
28. Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:  
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: National Planning Policy Framework (NPPF) 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. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: National Planning Policy Framework (NPPF) 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. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

30. No dwellings shall be occupied until a scheme of public art within the development, including proposals for management and timetable for its implementation, has been submitted to and agreed in writing by 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.

31. The open space, recreational and children's play areas, detailed in this application and P/13/1655/2, shall be laid out and landscaped in accordance

with the details agreed under the above condition, before the first occupation of the 75th house on the site to be occupied.

REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity.

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

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) ) Order 2010 (as amended).
2. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies ST/1, ST/2, ST3, 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 advice contained within the National Planning Policy Framework has been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.
3. 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.
4. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990.
5. 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 is insufficient to warrant the refusal of planning permission.
6. The proposal should consider a detailed inclusion of two SuDS treatment trains, with adequate space and areas where they could be located, demonstrating attenuation, storage and treatment capacities, as detailed in the CIRIA SUDS Manual (C697). We would advocate the inclusion of areas of open space to incorporate conveyance and attenuation systems such as filter drains, swales and even proposing rainwater harvesting for the dwellings. As drainage details would be intrinsic to any application, the proposed drainage scheme should



provide two forms of treatment based on SuDS. Any scheme should include one treatment train for roofs and two treatment trains for roads and hard-standing areas in line with CIRIA C697 recommendations. Only surface water from roofs and paved areas not accessible to vehicles, should be discharged direct to any soakaway, watercourse or surface water sewer.

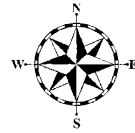
7. Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.
8. Although generally acceptable, the access and proposed highway works will need some alterations to make them acceptable, As such the Highway Authority has provided the following advice;  
Proposed Access - The proposed residential access road must be a minimum of 5.5m wide with 2m footway on either side. However if the footway is to be shared pedestrian/cycleway (as indicated on drawing) then this will need to be a minimum of 3m. Kerb radii at proposed junction to be minimum of 6m. Tracking of a large refuge vehicle need to be highlighted. Uncontrolled pedestrian crossings will need to be provided at bell-mouth of the proposed access road. Pedestrian crossing (possibly uncontrolled) needs to be provided across Melton Road to enable road users to safely cross to the bus stop. To avoid conflicts with the existing bus stop consideration should be given to relocating further north away from the proposed access to prevent drivers attempting dangerous manoeuvres.  
Melton Road - Change of speed limit location would require a TRO. Painting of 'sharks teeth' at road narrowing. Existing road width (of 7m) is insufficient for central refuges. Uncontrolled crossings will be required across Melton road in close proximity to the proposed access.  
Please note that the above comments are based on the preliminary stage comments as there are no detailed design drawings as yet and Stage 1 Safety Audit. Furthermore there needs to be clarification on proposed measures regarding the private access road (adjacent to the proposed road). It is unclear from the drawings if this access is to remain or be removed.
9. 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" (Htd) at [www.leics.gov.uk/Htd](http://www.leics.gov.uk/Htd).  
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
10. 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.
11. 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.

12. The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
13. 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.
14. To accord to Highway Authority standards, car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For a garage to count as a parking space, it must have minimum internal dimensions of 3 metres width and 6 metres length.
15. To accord to Highway Authority standards, car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For a garage to count as a parking space, it must have minimum internal dimensions of 3 metres width and 6 metres length.
16. In view of the possibility of contamination of the land, including landfill gas, you are advised to take guidance from the Council's Building Control Officer (01509 634751) and the Council's Environmental Services Section (01509 634636/01509 634753).



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**Application No:** P/13/1696/2  
**Location:** Land at Queniborough Lodge, 1446 Melton Road, Queniborough, Leicestershire LE7 3FN  
**Scale:** 1:5000

