

## Item No. 8

### Application Reference Number P/14/0708/2

<b>Application Type:</b>	Outline Planning Application	<b>Date Valid:</b>	8 <sup>th</sup> April 2014
<b>Applicant:</b>	Gladman Development Ltd		
<b>Proposal:</b>	Site for the erection of up to 165 dwellings including access and associated works.		
<b>Location:</b>	Land off Barkby Road, Queniborough, Leicestershire		
<b>Parish:</b>	Queniborough	<b>Ward:</b>	Queniborough
<b>Case Officer:</b>	Jacqueline Jackson	<b>Tel No:</b>	01509 634737

---

### Site Location and Description

The application site comprises of a field (6.55ha) formally used as a plant nursery. It lies on the southern edge of Queniborough, immediately adjacent to Glebe Road to the north of the application site, which currently forms the edge of built development in Queniborough. It is contained to the south by Syston Rugby, Cricket and Tennis Club. The western boundary of the site is bordered by Barkby Road, and to the east of the application site are two small groups of trees and land used as both residential gardens or paddocks beyond which is the Queniborough Conservation Area.

The land is generally flat, although it does gently slope up from the north-west towards the east of the site. There is an existing stream which runs through the centre of the site. Within the application site boundaries, there are existing mature trees to the west, south and east boundaries of the site, there are further mature trees to the north and south boundaries just outside the application site. The applicant's Arboricultural Report indicates that there is a category A tree on the western boundary of the site (a tree of highest amenity value), the majority of the other trees are classified as category B or C trees with a few category U trees along the southern boundary.

### The Proposal

This is a planning application for outline planning permission with all matters reserved except for the details of the access. The application seeks planning permission for up to 165 dwellings and the layout plans submitted seek to demonstrate that the site can reasonably accommodate such a level of development but nevertheless is indicative along with other illustrative material.

The proposal is accompanied by an illustrative Masterplan, which shows proposals for the provision of open space and a surface water attenuation basin. The existing trees that run along the periphery of the site are shown largely to be retained and incorporated into the design of the development.

Following comment from the Leicestershire County Council Highway Authority the application was amended to include details of the mitigation works to the junction of

Queniborough Road and Rearsby Road, known locally as the Queniborough Crossroads.

The application is accompanied by a series of technical reports and includes the following documents:

- Application Form
- Location Plan
- Development Framework Plan
- Design and Access Statement
- Landscape and Visual Impact Assessment
- Transport Assessment
- Travel Framework Plan
- Ecological Appraisal
- Arboriculture Report
- Phase 1 Desk Study and Preliminary Risk Assessment Report
- Flood Risk Assessment
- Foul Drainage Strategy
- Air Quality Screening Report
- Noise Assessment Report
- Archaeological Desk Based Assessment Report
- Built heritage Assessment
- An Assessment of Current and Future Sustainability Report
- Affordable Housing Statement
- Statement of Community Involvement
- Planning Statement
- Access Drawings
- Stage 1 Housing Land Supply Assessment

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

Borough of Charnwood Local Plan 1991-2006 (adopted 12 January 2004) (saved policies).

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

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

Policy ST/1 - Overall Strategy for Charnwood - This 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. This is all to be done in an environment of trying to achieve sustainable development in a co-ordinated, comprehensive and consistent basis. It also states that, in identifying development needs of the Borough, measures will be taken to 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. These are to be negotiated through legal agreements.

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

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

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

Policy CT/1 - General Principles for Areas of Countryside - 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 that development acceptable in principle should not harm the character and appearance of the countryside and safeguard its amenity interests.

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

Policy TR/6 - Traffic Generation from New Development - This 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 floorspace 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. Also allows for seeking commuted sum payments of developments less than 10 dwellings in areas where there would be, or is a deficiency in play space in an area.

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

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

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

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

#### National Planning Policy Framework 2012 (NPPF)

The Framework sets out the Government's planning policies for England, how these are expected to be applied and taken into account in the preparation of local and neighbourhood plans, and as a material consideration in the determination of planning decisions. (Para2).

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this:

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

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 and 197).

#### Section 4: 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.

#### Section 6: 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).

## Section 7: 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).

## Section 10: Climate change and flooding

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

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

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

## Section 11: Conserving and enhancing the natural environment

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

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

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

## Section 12: Conserving and enhancing the historic environment

The Framework requires that in determining applications applicants should describe the significance of the asset affected, the level of detail required being proportionate to the assets importance. Local Planning Authorities should identify and assess any heritage asset that may be affected by a proposal in order to minimise conflict between the heritage asset's conservation and any aspect of the proposal.

## Decision taking

The Framework says that 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). It therefore requires Local Planning Authority'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 (para 14). In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Para 197).

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

### 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.

### S106 Developer Contributions Supplementary Planning Document (2007)

Sets out the circumstances which might lead to the need for a contribution to the provision of infrastructure, community services or other facilities. 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 Community Infrastructure Levy (CIL) Regulations introduced on the 6 April 2010 prescribes the limitations on the use of planning obligations. Accordingly it is unlawful for a planning obligation to be a reason for granting planning permission for a development that does not meet all of the following tests:

- It is necessary to make the development acceptable in planning terms;
- It is directly related to the development; and
- 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.

#### Queniborough Conservation Area Character Appraisal (2011)

Sets out a detailed appraisal of Queniborough Conservation Area

#### Emerging Local Plan Core Strategy

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

Policy CS1 – Development Strategy sets out the development strategy for the borough identifying the priority location for growth is the Leicester Principal Urban Area whilst the majority of remaining growth is to be met at Loughborough and Shepshed. Seven service centres are also identified where a smaller amount of development is proposed to maintain their facilities and services. In Service Centres it is proposed to respond positively to sustainable developments which contribute towards meeting the development needs, supports the Council's strategic vision, makes effective use of land and is in accordance with the policies in the strategy. This policy is considered consistent with the NPPF (Para 17, 34, 55, 70), however due to the level of unresolved objections this policy can only be given limited weight.

Policy CS2 - High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.



This policy is considered consistent with the NPPF (Para 17, 28, 56-68), however due to the level of unresolved objections this policy can only be given limited weight.

Policy CS3 - Strategic Housing Needs sets out affordable housing requirements and an appropriate mix of types, tenures and sizes of home. For developments at Queniborough there is a target of 40% on sites of 5 dwellings or more. This policy is considered consistent with the NPPF (Para 6, 47-55, 159, 173, 174 and 177), however due to the level of unresolved objections this policy can only be given limited weight

Policy CS11- Landscape and Countryside seeks to support and protect the character of the landscape and countryside by:

- Requiring new developments to protect the landscape character and to reinforce sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments
- Requiring new development to take into account and mitigate its impact on tranquillity
- Requiring new development to maintain the separate identities of our towns and villages
- Supporting the provision of community services and facilities that meet proven local needs as identified by a Neighbourhood Plan or other community-led plan.

This policy is considered consistent with the NPPF (Para 109), however due to the level of unresolved objections this policy can only be given limited weight

Policy CS12 – Green Infrastructure protects and enhances green infrastructure assets including addressing the identified needs in open space provision. This policy is considered consistent with the NPPF (Para 114), however due to the level of unresolved objections this policy can only be given limited weight

Policy CS13 - Biodiversity and Geodiversity supports development that protects biodiversity and geodiversity, requiring development to take account of the impacts particularly with regard to important sites. Development which results in the loss of these features will only be supported in exceptional circumstances where benefits clearly outweigh harm. Adequate mitigation or, as a last resort, compensation will be required where there are impacts. This policy is considered consistent with the NPPF (Para 99, 109 and 114), however due to the level of unresolved objections this policy can only be given limited weight

Policy CS15 - Open Spaces Sports and Recreation requires new development to meet the standards set out in our Open Space Strategy and to provide for long term management and investment plans for existing and new facilities. This policy is considered consistent with the NPPF (Para 73 and 74), however due to the level of unresolved objections this policy can only be given limited weight.

Policy CS16 - Sustainable Construction and Energy encourages sustainable design and construction including measures that reduce the need for energy and secure residual need for energy through low carbon or renewable sources to exceed Building Regulations for carbon emissions. Design and Access Statements for major

developments are required to demonstrate how the need to reduce emissions has influenced the design, layout and energy source used. The policy directs development to locations within the Borough at the lowest risk of flooding by applying the Sequential Test and, if necessary, the Exceptions Test. Developments that take the opportunity to reduce flood risk elsewhere are supported and there is also a requirement to manage surface water run off so there is no net increase from that for Greenfield sites. The policy supports development which protects environmental resources including local air quality and the most versatile agricultural land. This policy is considered consistent with the NPPF (Para 93-104), however due to the level of unresolved objections this policy can only be given limited weight

Policy CS17 - Sustainable Transport seeks a 6% shift from travel by private car to sustainable modes by requiring major developments to provide access to key facilities by safe and well lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop. This policy is considered consistent with the NPPF (Para 17, 29-41) however due to the level of unresolved objections this policy can only be given limited weight

Policy CS25 – Delivering Infrastructure seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate off site, infrastructure, arising from the proposal through the use of Section 106 Agreements. Due to the level of unresolved objections this policy can only be given limited weight

### National Planning Practice Guidance

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

### Affordable Housing

Both the Borough of Charnwood Local Plan and the Affordable Housing SPD (2005) were prepared to reflect Government Guidance of that time. The NPPF no longer sets a national threshold and this part of the SPD no longer carries any significant weight. In the absence of an up to date statutory development plan policy to guide the amount of affordable housing provision for sites any relevant other material considerations must be taken into account. Appropriate material considerations include the two evidence studies (listed below). Policy CS3 is, in effect, an expression of the evidence base and it is the evidence base that is a material consideration. Relevant evidence is set out in:

- Affordable Housing Economic Viability Assessment (2010)
- Leicester and Leicestershire Strategic Housing Market Assessment (2014)

Taken together, these material considerations point towards requests being made for affordable housing on sites of 10 or more dwellings in most areas and 5 or more dwellings in more rural settlements, requesting between 20-40% affordable housing

depending on the location of the site and requesting a 80/20 split between social/affordable rent and intermediate housing. For Queniborough this evidence base points to a request of 40% Affordable Housing.

### Leicestershire County Council Highway Authority 6C's Design Guide

The 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.

### Open Spaces, Sport and Recreation Study (2010).

The study looked at the amount of open spaces across the borough, its quality and also how close it is to peoples' homes. The key aims and objectives of the study are to:

- provide local standards for open space, sport and recreation to enable the setting of local policies
- identify surpluses and deficiencies in open space, sport and recreation provision and to consider these against current needs and future growth
- help understand the split in responsibility for open space, sport and recreation provision between the private and educational sectors, Parish/Town Councils the County Council and the Borough Council
- inform future policies and planning obligations
- provide specific recommendations for the type and amount of open space, sport and recreation provision across the Borough and for each Sustainable Urban Extension (SUE)
- form part of and inform a wider Green Infrastructure approach in the Charnwood Core Strategy and other Development Plan Documents
- inform a wider evidence base about how each settlement within Charnwood functions and in particular how improved open space, sport and recreation provision can contribute to wider social, economic and environmental objectives.

The findings of the study provide a clear vision for the future delivery of open space, sport and recreation facilities and provide evidence for informed decision making.

### **Responses of Statutory Consultees**

#### Leicestershire County Council Highway Authority

The Highway Authority's comments have been summarised below;

- Access

The Highway Authority will usually seek to limit the number of dwellings provided off a single point of access to 150 dwellings at the behest of the emergency services. The standards set out in the 6Cs Design Guide are not hard and fast rules and in this instance it is unlikely that the County Highway

Authority could demonstrate that an additional 15 houses would have an unacceptable impact on access to the site.

Access to the site would be taken from the C4304 Barkby Road at a point outside the village within the existing 30mph zone and lit by existing street lighting. The location of the proposed access is where vehicles are accelerating as they leave the built up area of Queniborough and enter a section of highway which is much more rural in nature. Historical surveys indicate that speeds past the proposed access point are well in excess of 40mph. The evidence collected by the Parish Council under the Community Speed Watch programme adds credence to these concerns. It is noted that no up to date speed surveys have been undertaken as part of the applicant's Transport Assessment (TA). Given the speed of traffic, lack of street lighting and the road's classified status, the Highway Authority considers that any permission must be conditional upon scheme of highway works comprising:

- Relocation of the existing 30mph terminus signs and village gateway features to the south of the site access
- Extension of the existing traffic calming and street lighting to cover the new site access

Subject to these works, the access proposals are considered acceptable to the Highway Authority.

The concerns raised by the Parish Council in respect of overspill parking from the rugby club are noted; however, this is a relatively infrequent event and there is no evidence which would suggest that the proposed development will exacerbate the problem. Any problems associated with the rugby club are pre-existing and thus it would be unreasonable to expect the developer to resolve them as part of this application. In the event that planning permission is granted, conditions are recommended which would ensure that car parking is provided in accordance with nationally recognised standards.

- Highway Impact

With the exception of the Barkby Road/Rearsby Road/Queniborough Road/Syston Road crossroads, the Transport Assessment satisfactorily demonstrates that traffic from the development is unlikely to have a material impact on the local highway network.

The Transport Assessment identifies that 52 per cent of development traffic will turn right from the site access toward these crossroads. At its busiest (in the AM/PM peak period) this equates to 50 and 54 vehicle movements through the junction (the majority of these movements are north/south i.e. Barkby Road to Rearsby Road and vice versa).

Modelling of the crossroads without the development shows that the junction and in particular the Rearsby Road arm, will be over capacity at AM peak times in 2019. The development traffic will result in additional queuing and delays at the junction. The impact of the development traffic is particularly pronounced in the AM peak where queues will increase from 52 vehicles to 60

and delays from 7 minutes to 10. To put this in context, even without the development, the queue approaching the junction in 2019 on the Rearsby Road arm is predicted to extend nearly as far back as the Melton Road roundabout. The additional 50 metres of queuing resulting from the development will result in traffic interfering with the operation of the Melton Road roundabout with obvious capacity and safety consequences. In view of these considerations, the Highway Authority considers that without mitigation the impact of the development would amount to a severe outcome in highway terms.

A number of mitigation measures have been proposed by the applicant and considered by the Highway Authority including:

- Full signalisation of the junction
- Swapping the priorities so that the Barkby Road/Rearsby Road movement has priority through the junction
- A small geometric alteration to the junction by widening the Rearsby Road approach from 3.4 to 3.8 metres.

The Highway Authority considers that a signal junction at the crossroads would not provide satisfactory visibility due to obstructions on the corners of Barkby Road and Rearsby Road.

Changing the priorities at the junction is complicated as the alignment of Rearsby Road and Barkby Road would not be ideal for becoming the main route. Moreover, visibility from Syston Road would be severely restricted by private land and boundary hedges and thus the Highway Authority could not support this option due to uncertainties over its deliverability.

The applicant's preferred option is to widen the Rearsby Road approach from 3.4m to 3.8m. A wider lane will increase the rate at which traffic flows thereby reducing queuing and delays. Whilst in theory this widening mitigates the impact of the development, the Highway Authority is of the view that in practice there would be very little benefit.

A fourth option and the Highway Authority's preferred option, is to widen Rearsby Road more significantly to allow for a dedicated left turn between the junction and the existing pedestrian crossing (approximately 45 metres). This would reduce the queue length on this approach in the 2019 'with development' scenario to approximately 9 vehicles. As part of this scheme, the footway would need to be moved adjacent to The Ringway so as to minimise the impact on the highway trees. Following objections from the local planning authority to the original scheme which would have removed a number of mature trees, a revised drawing has been submitted which reduces the amount of encroachment into the grass verge fronting Rearsby Road and thus does not result in the loss of the trees. Although this scheme involves the tightening of the radius at the Syston Road/Rearsby Road junction, it is unlikely the Highway Authority could substantiate an objection to the proposal on this basis alone given the relatively low volume of left turners particularly by larger commercial vehicles.

The applicant has confirmed that they are prepared to accept a condition which requires the arrangement shown on the amended plan be provided prior to the occupation of the 100<sup>th</sup> dwelling.

- Indicative Internal Layout

The Highway Authority has made comments regarding the internal layout, However the internal layout is indicative and not for consideration as part of this planning application. The Highway Authority comments will be forwarded to the applicant as information notes where appropriate, if planning permission is granted.

- Travel Plan

The Highway Authority has raised a number of concerns and made comments with regards to the submitted travel plan. In view of these concerns, a condition is recommended that requires the submission of a revised Residential Travel Plan.

- Section106 Developer Contributions

*The following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.*

- 1. 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).*
- 2. 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).*
- 3. New bus shelter on Syston Road (including raised and dropped kerbs to allow level access and information case); £8,291.00.*
- 4. Contribution towards equipping the nearest suitable bus stop on Syston Road and suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. £5,150.00.*

- Recommendation

The proposals are considered acceptable and there are no objections to planning permission being granted subject to conditions highlighted above resist the granting of planning permission.

Requests the contributions towards libraries, Education and Civic Amenities

Libraries:

The proposed development will impact on local library services and therefore request a contribution of £8,970 for the provision and enhancement of library services and resources at Syston Library on Upper Church Street.

Education:

The site falls within the catchment area of Queniborough Church of England Primary School. The School has a net capacity of 210 and 271 pupils are projected on the roll should this development proceed; a deficit of 61 places (a deficit of 21 is existing and a deficit of 40 is created by this development). There are 3 other primary schools within a two mile walking distance of the development. The Merton Primary School is not included due to the absence of a safe walking route.

The Merton Primary School Syston	Discounted
Broomfield Community Primary School	Surplus 42
St Peter & St Paul Church of England Primary School	Surplus 84

The overall surplus including all schools within a two mile walking distance of the development is 32 places after taking into account the 40 pupils generated by this development. An education contribution will therefore not be requested for this sector.

The site falls within the catchment area of Wreake Valley Community College The high school and upper school facilities have spare capacity and there is no contribution requested.

Civic Amenities:

A contribution of £8,526 towards mitigating the impacts arising from the increased use of the Civic Amenity Site.

Leicestershire Constabulary

The Police believe that a lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developer of the site to provide a contribution to policing so the situation might be remedied. It is the view of the Police that the request is directly related to the development and the direct policing impacts that the development will generate based on an examination of demand levels in the local beat area, the settlement and existing Policing demands and deployment. In the view of the Police the request is wholly related to the scale and kind of the application development. The Police have made the following summary of the request:

*“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 areas in which it will be situated. The existing deployment of Police assets to Police the locality are identified and applied to the application site to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to this development and the CIL tests of compliance are applied to these.*

• Start up equipment	£7,643
• Vehicles	£4,650
• Additional radio call capacity	£371
• PND additions	£239
• Additional call handling	£506
• ANPR	£4,111
• Mobile CCTV	£500
• Additional premises	£5,0850
• Hub equipment	£330
• <b>Total</b>	<b>£69,200”</b>

#### NHS England

There are two GP practices which occupy the same premises on Melton Road, Syston. These practices and are willing to expand their facility to meet the needs of the increased population. On that basis a contribution is requested of £24,930, which would be used to finance an extension to the building which would enable the practice to accommodate increased patient numbers.

#### The Environment Agency (EA)

The EA has confirmed that the development will be acceptable providing a number of conditions are attached. These conditions were appropriate have been included within the recommendation at the end of this report.

#### Severn Trent Water Authority

Severn Trent Water Authority has no objection to the proposals, but request that a condition be attached requiring the submission of foul and surface water drainage details.

#### Leicestershire County Council as Minerals Planning Authority

The Minerals Planning Authority has confirmed the application site lies within a Sand and gravel Minerals Consultation Area (MCA). The Soar Valley Sand and Gravel Resource Assessment (1985) however conclude that it is doubtful that any significant quantity of good quality sand or gravel is available in the vicinity of the site. They have also confirmed that part of the site also lies within a Gypsum MCA. The area of potential gypsum resource was inferred by the British Geological Survey based on mapping together with very limited borehole evidence. British Gypsum Ltd has advised that, following a programme of exploratory drilling the potential economic



resource in this area is low. As such in this circumstance they have raised no objection to the proposed development in respect of mineral safeguarding.

### Queniborough Parish Council

The Parish Council has objected to the proposed development and has submitted a number of letters setting out concerns summarised below:

- Traffic. The Council has a long standing concern with traffic on the Barkby Road and it has monitored the speed and number of vehicles using Barkby Road since January 2012 using a vehicle activated sign and through Community Speed Watch volunteers. This shows maximum speeds regularly exceed 70 miles per hour, 95% are 55-60mph. One monitoring period in 2012 showed that nearly 75% exceed the speed limit with up to 2,000 vehicles per hour travel in each direction. A further monitoring exercise was undertaken in May 2014 and confirms this pattern with 1920 vehicles travelling in one direction on one day with an average speed of 47mph and an 85%ile of 54mph. The monitoring shows that current speed restrictions are not being adhered to and the lowering of the speed limit on such a straight road with a long established practice of abusing the speed limit will not be effective. The advent of over three hundred new vehicles turning on to the Barkby Road at rush hour is a danger to villagers and those driving through the village and is therefore contrary to TR/6 where the impact of traffic generated by an individual proposal would result in unsafe or unsatisfactory operation of the highway. The situation becomes even worse when there are events at Syston Rugby club when parking spreads out on to the Barkby Road making the situation even more hazardous.
- Flooding. The Council has studied its own flooding data with the village flood warden. She has been flood warden for many years and has lived in the village since 1935. The Parish Council consider the data in the application is not borne out by local experience. The Council's concerns are not so much with the effects of flooding on the proposed site, although it has flooded on a number of occasions, but the increased likelihood of flooding on the whole village further down the water courses. Over the last 30 years this has got progressively worse. The Parish Council has submitted photos showing examples of flooding at the Barkby Road site and Glebe Road. Glebe Road in particular suffers flooding. The Parish argues that water draining off the land and three springs on the Ridgemere will have to find its way in to the lower water courses rather than being substantially absorbed by the land at the proposed site, increasing the risk of flooding. In addition rain water absorbed by the trees on the nursery site will now have to find its way into local water courses.
- Sustainability and infrastructure The Parish Council has highlighted that the National Planning Policy Framework's broad strategy is to favour sustainable development. However this development will put undue pressure on the infrastructure of the services in the area. The Health Centre at Syston and the school in Queniborough are near or at capacity. This application will add an additional 165 houses to the 133 already approved at Queniborough Lodge and 101 proposed for Millstone Lane. This is in a village of 1300 houses, an

increase of over 30%. The emerging Local Plan recognises that Queniborough is only capable of small scale development by reducing it from a 'service centre' to 'other settlement' status. The evidence used in the emerging Local Plan has concluded that Queniborough should not become a service centre and development to this extent is not sustainable. Charnwood's Policy CS1 sets out that 500 new homes will be planned for across all the 'other settlements' in Charnwood by 2028 and these will be within settlement boundaries identified in their Site Allocations and Development Management Development Plan document. If this development is approved it will account for nearly 400 houses being built in under a year. This is almost all of the 'other settlements' allocation.

- Areas of separation and the built environment The area for development is outside the built environment and in an area of separation, contrary to policies CT/1 and CT/2. The applicant states this policy is no longer relevant as Charnwood needs to build more houses and so some of these will need to be outside of the built environment. The Parish Council does not accept this argument as the village has already had permission granted for 133 houses at Queniborough Lodge, more than the emerging plan requires from one 'other settlement' area to meet its housing needs and both the existing plan and the emerging plan accept the need for communities to remain distinct separate entities.
- Archaeology There is substantial evidence of settlement in Queniborough from prehistoric times. There is evidence of crop markings in close proximity to the area, SK 642120. The Council believes that any evidence of early settlement should not be lost, that desk research alone is insufficient in this case and that field survey work needs to be carried out.
- Character, Visual impact and landscape assessment The applicant has underestimated the effect of the development on the character of the village and its landscape. The view of St Mary's Church across open countryside from Barkby Road will be lost. The view of St Mary's Church from any aspect around the village is one of the major defining characteristics of living in Queniborough. The development will also be visible from the conservation area, especially from School Lane. The Queniborough Conservation Area Appraisal carried out by Charnwood Borough Council in 2011 particularly notes the importance of the 'broad open aspect of the village influenced by the fine plain in which it sits' and 'the historic core of the settlement still obvious within its historic landscape and largely unaffected by 20th Century development'. This will be irreversibly affected by this development in its proximity to the western end of the conservation area with the loss of the buffer area between the old and the new, causing a loss of integrity of the conservation area itself.

Following the submission of further details regarding the highways mitigation works the Parish Council commissioned independent advice and submitted the following objection:

*"The Parish Council has objections to the proposed changes to the road layout at the crossroads for the following reasons:*

- *The report carried out by the Parish Council's traffic consultants questions the validity of the data and method used in the applicant's traffic assessment in a number of ways, including:*
  - *AM peak trip rates*
  - *The junction assessment carried out in January, which is not a neutral month*
  - *The junction assessments were not carried out with the latest versions of the software used*
  - *The use of accident data*
- *That given the questions on the validity and the methodology of the traffic assessment in their view a new revised traffic assessment will need to be carried out meeting the requirements given in the report before the application is finally submitted to Committee. The report does conclude that in the consultants view without this the planning authority does not have sufficient information to grant permission for the application. The Parish Council also requests that a new traffic assessment takes into account the latest traffic data relating to all agreed and proposed planning applications in Queniborough and in surrounding villages and areas that will affect traffic through Queniborough.*
- *The report shows that the proposed junction improvements may not be achievable as the data is based on OS data. The Parish Council request a full topographical survey be carried out, as the report recommends , to ensure that the junction plans are achievable*
- *The Council's tree assessment report concludes that the trees at the junction of Rearsby Road and Queniborough Road are an important part of the area and of a high amenity value. Their life expectancy is at least another 25 years with some considerable longer. The Council therefore reiterates its opposition to a proposal which would involve the felling of these trees, which are of such an important part of the character of the landscape of the village and again requests that Tree Preservation Orders are placed on the trees.*
- *In addition the Council objects to the proposal on the grounds that:*
  - *a slip road will encourage traffic through the conservation area on to an unclassified road with poor visibility*
  - *there will be a much greater degree of danger for those crossing the roads around the crossroads with increased difficulty in using both the crossing provided and the bus stop in Rearsby Road*
  - *there will be an effect on the Post Office and Store at the crossroads as this will make access to it more difficult. The store is an important village resource and any proposals should make use easier for residents not more difficult*
  - *the slip road will cause further problems with parking around the school. This is already chaotic at the start and end of the school day.*

*The Council continues to object to the proposed building of 165 houses on Barkby Road and wishes to make the Planning Authority aware of the*

following evidence in the M.E.C report which supports the Council's earlier statement of objection:

- *The report disagrees that the site is in a sustainable location with good access to local facilities and amenities:*
  - *The bus stop is 470m at the nearest point, and 840m from the farthest point of housing in the development. Outside the LCC recommended distance of 400m.*
  - *There is no reference to walking distances to local amenities and facilities*
  - *Syston train station is referred to a 'short distance' from the site but is 3km away*
  - *The report points out that the Framework Travel Plan is very light and unlikely to provide any shift from the use of the private car*
  
- *The Council also wishes to make an objection to the proposal from Highways that 'a link from the site should be provided to.... the east so that a continuous route from Barkby Road to Main Street could be provided in the future should that land ever come up for redevelopment'. This is a danger to the integrity of the conservation area and the Council opposes this being done to facility further development around that area of the village."*

#### Campaign for the Protection of Rural England (CPRE)

The CPRE objects to the application on the following grounds:

- The development is not consistent with the emerging Core Strategy being located outside the boundary of the settlement established by the former Local Plan.
- The development is not within a Local Centre as claimed by the applicant
- The CPRE are concerned that the implications of neighbouring proposals 'in the pipeline' have not been considered
- They consider Queniborough does not have the facilities to support the proposed expansion and that accessing shops and schools will increase car use along roads that are already overloaded. The health centre is located in Syston, involving travel either by car or public transport.
- Whilst the location is not specifically protected as an Area of Local Separation, the location is contrary to local plan policies CT/1 & CT/2 and policy CS11 of the emerging Core Strategy.
- The CPRE suggests that one of the proposed play areas is not adequately overlooked and should be reconsidered, and its location conflicts with the advice set out within policy RT/6 of the Local Plan.
- They note the comments of the Parish Council and wholly support their objection with regards to traffic and transport.
- There is evidence that the site is productive land, the NPPF is clear that prime agricultural land should not be used when other areas more suitable are available.

- They note that the Environment Agency has no objection to the proposal, yet the Parish Council have proven evidence of flooding in the near vicinity.

### Natural England

Natural England has raised no objection to the application, and has not made any specific comments. It has provided general advice relating to protected species, local sites, biodiversity enhancements and local landscape.

### Leicestershire Fire and Recue Services

The Service has raised no objection, but has provided advice with regards to access requirements for Fire & Rescue. This is recommended to be forwarded to the applicant through an appropriate information note.

### Charnwood Borough Council Environmental Protection

The Service has raised no objection to the proposal but has requested a number of conditions relating to ground contamination and noise.

## **Other Comments Received**

### Neighbour representations

Over 250 letters raising concerns and objections have been received from local residents and groups. A number of these letters are from the same residents raising specific comments at a latter stage to the highway mitigation works. I have summarised all of the relevant planning objections below:

- The development would have an unacceptable increase in traffic onto an existing system which is at capacity. Barkby Road is already busy and is used as cut through for people accessing Leicester. This significant increase in traffic will exacerbate the congestion problems and increase the risk of accidents.
- There are issues on Barkby Road on match days due to parking and this development will make the situation even more difficult and dangerous.
- The additional impact of traffic from the development and its associated problems will be exacerbated by other developments within the area which have recently been permitted.
- Evidence from the community speed watch campaign has demonstrated high speeds outside.
- Archaeological evidence including crop marks can be found in the immediate vicinity along with other evidence. It is felt the archaeological evidence is insufficient and inadequate.
- This development is not needed as development at Millstone Lane (101 dwellings) and Queniborough Lodge (132 dwellings) have recently obtained planning permission, as such Queniborough has already had its allocation of new development.
- Residents are frustrated that there is still no Core Strategy which would protect Queniborough from this type of development.
- The infrastructure of the area is insufficient to take a development of this size, especially when considering other developments which has recently been granted

planning permission. Queniborough School is full and can not take any additional children from the development, parking is already an issue and the doctor's surgery is difficult to get an appointment at present. Any money which will come through to improve these services through the s.106 will not be for a number of years.

- The development would have an impact on the identity of Queniborough with it coalescing with Syston and becoming an extension of Leicester.
- The development will result in dust and noise pollution and disturbance during the construction.
- Queniborough is a Conservation Village which is losing its identity, causing damage to the character and appearance of the village and losing its close knit community character.
- The development is within open Countryside, in a greenfield location which is both damaging to the landscape character and the villages countryside location.
- Loss of land which could be used for agriculture
- It is considered the landscape and Visual Impact Assessment is insufficient and underestimates the landscape asset of the site and its setting. Similarly discrepancies have been raised with the design and access statement.
- Service infrastructure such as water, power, sewage, drainage etc can not cope with a development of this size.
- The development would result in significant encroachment into the countryside.
- The development includes insufficient facilities on site to support the homes.
- The site, the culvert which runs through it and neighbouring land at Glebe Road, has a history of flooding and the development would result in the flooding getting worse.
- The development would result in a significant detrimental impact on neighbouring properties at Glebe Road, the majority of which are bungalows, by reason of loss of privacy, loss of light and overbearing impact.
- The development would have a significant impact on ecology due to the loss of a greenfield site, this includes bats which use the fire for foraging.
- The development would be out of character with the area which is predominantly single storey bungalows.
- The development would have an impact of views particularly from Barkby Road, looking towards the Grade 1 listed church.
- The development will be visible from the village, including School lane and would be contrary to the Conservation Area Character Appraisal.
- The new residents will be detrimentally affected from noise, disturbance and light pollution from the adjacent rugby club.
- The development is not integrated with the village and will form an isolated estate on its periphery.
- Significant concerns have been raised regarding the proposed mitigation works at the 'Queniborough Crossroads' and the proposed left hand turn lane. It is felt the proposal will be unsafe, restrict visibility, increase the likelihood of accidents, increase the risk to pedestrians and have an impact on the character of the village. It is also felt that it will not solve the congestion problems within Queniborough and could make congestion worse.

Significant concerns were also raised regarding the loss of trees at the Rearsby Road arm of the Queniborough Crossroad, as the trees are an integral part of the village's character and their loss would have a significant impact on the character and visual amenity of the area. The proposal would also have an impact on ecology

and the value of the trees is more important than the delivery of the houses. As previously stated in this report, the mitigation works have now been amended to minimise the impact on the proposed trees.

#### The Governors of Queniborough Primary School

The Governors have raised concerns to the proposed development and associated highway mitigation works, again I have summarised these below:

- Highways safety – They considered a slip road would mean school children would have another lane to cross on Rearsby Road and it would reduce visibility onto Syston Road for pedestrians and drivers as there would now be two lanes of traffic. There has already been several ‘near misses’ of children and staff due to the location of the zebra crossing. This increased danger would be detrimental to the school encouraging families to walk to school.
- Traffic and Parking Issues – Increased traffic should not be encouraged. This is a rural area and tractors, trailers and horse boxes frequently pass the school causing congestion. The village can only cope with single lane traffic at most times of the day from the crossroads to the church due to school parking and parking pays installed on Main Street. Easing traffic problems at the crossroads may increase congestion along Main Street and outside the school causing an additional road safety hazard.
- Noise, Dust and Fumes – currently over 9000 vehicles per day use the crossroads. Children do not need to be exposed to further fumes and noise as traffic increases.

#### Queniborough Cricket Club (located immediately adjacent to the application site).

The club has confirmed they have no objection to the proposal on the condition that the Developers either erect, or pay the cost, of 'BALL NETTING' along the length of the boundary butting onto the new development. The club also request that in the deeds of all houses butting the owners will accept any liability for any damage caused by cricket balls landing on their property. The Cricket Club wish to be able (without the owners permission) to recover any balls that may land on their property.

Full copies of all comments and objections received by the planning authority are available for reference on the planning file and can be viewed Borough Councils' website.

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

The following are the main planning issues that should be considered:

- The Principle of Development and Sustainability
- Landscape impact
- Impact on Biodiversity
- Impact on local Heritage Asset
- Flooding and Drainage
- Design and Layout

- Highway Impacts
- Infrastructure Implications

### The Principle of Development and Sustainability

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

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

The National Planning Policy Framework's (The framework) presumption in favour of sustainable development (paragraph 14) means:

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

Further paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development, and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing.

### Housing Land Supply

The Council acknowledges that it does not currently have a five year supply of deliverable housing based on the housing requirements for the period 2006-2028. The table below summaries the Borough Council's 5 year housing supply position as at 30<sup>th</sup> September 2014.

	<b>Charnwood Borough Housing Supply Estimate as at 30th September 2014</b>	<b>Charnwood Total</b>
a	Charnwood Pre-Submission Draft Core Strategy Housing Requirement (2006-2028)	17,380 790per annum
b	Completions (2006 to 30th September 2014)	5,921



c	Residual Requirement 2014-2028 (a – b). (11,459 \ 14 years = 819)	11,459 819 per annum
d	Requirement for 5 years 2014-2019, (5x 819).	4,093
e	Requirement for 5 years 2014-2019 with 20% buffer for under delivery in accordance with NPPF.	4,917
f	Expected supply of deliverable sites (planning permissions likely to be built Sept 2014 -2019)	4,347*
g	Surplus over requirement (e -f)	-570
h	Number of years supply (f divided by 983 (e divided by 5)).	<b>4.42 years</b>

\*includes sites that are awaiting signing of Section 106 agreements.

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

### Sustainable Development

Queniborough is currently considered as a Service Centre in the Council's settlement hierarchy, with a range of essential facilities and services. The emerging Core Strategy identifies Queniborough to be an 'other settlement', however as previously identified Policy SC1 (Development Strategy) of the Core Strategy currently has limited weight, although the supporting evidence is a material planning consideration. It also should be recognised, that the site abuts the built edge of Queniborough. The site is served by a regular bus route with bus stops well within the recommended 400m of the site. Concerns have been raised with regards to Queniborough's ability to cope with further development. However there is no specific evidence that the facilities and services within the village are at capacity and could not cope with further housing.

The Education Authority has confirmed the existing education facilities are able to meet the needs of the development. Other appropriate contributions are to be paid to local services including libraries, the local doctor's surgery, and policing to further assist in coping with the demand generated by this development. It is considered a number of services and facilities are within a reasonable walking distance and as

such on balance the proposal would therefore constitute sustainable development in accordance with paragraph 7 of the Framework.

The distance to services is, however, only part of the judgment about sustainable development, which includes a wider ranging assessment of the economic, social and environmental roles of the development. The proposals would provide a range and mix of house types including a proportion of affordable housing in a high quality environment. In addition facilities for children and young people would be provided on site. Finally the scheme does propose areas of landscaping that would seek to enhance the appearance of the site and mitigate its impact on the surrounding countryside. Based on the advice contained in The Framework and with reference to recent appeal decisions, it is considered that having assessed all aspects of the development these proposals would give rise to a sustainable form of development.

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

The application proposes development on land which was last used as a nursery. The site is outside the current limits to development. It is within open countryside but has no other status within the saved Borough of Charnwood Local Plan.

Following an assessment of the applicant's Landscape and Visual Impact assessment (LVIA) it is considered the impact on the wider landscape from the development is correctly assessed regarding the sensitivity of the site. However, some of the recommended measures including within the landscape and visual impact assessment are excluded from the indicative layout, and this will need to be corrected before the reserved matters application, in particular the following recommendations:

- The entrance road is angled to frame the imposing feature of the spire of Queniborough Church (St Mary's) although proposed houses to the rear of the site appear to obscure it.
- The new broadleaf "woodland planting" along the eastern boundary appear to become a line of trees.
- The formal trees planted along the proposed streets seem to be limited to some informally located trees in some larger gardens and on the open space near the roads.
- The new hedgerow on the northern boundary does not appear to feature.

Although there would be some impact on the character of the edge of the open countryside and landscape, it is considered that this impact would not be so significant or demonstrable as to outweigh the benefits of providing housing land. Whilst the area would extend outside the defined limits to development, the area to be lost would be limited and given its location sandwiched between the built edge of Queniborough and the recreation clubs and pitches, it is a relatively well contained site. It is considered a reason to refuse the application based on the landscape impact or harm to the character of the wider countryside; would be hard to justify, especially given Inspectors' recent decisions in similar situations. The site relates well to the existing settlement of Queniborough. It is acknowledged that there would be some impact on the character and appearance of this rural edge and the wider countryside landscape, but the significance of this impact is considered limited, and

would not be so significant or demonstrable as to warrant a refusal of planning permission.

### Impact on Biodiversity and Ecology

The applicant's Ecological Appraisal report makes a series of recommendations which are supported, in summary:

- Protection of existing habitats from pollution during construction work through adoption of pollution prevention measures
- Protection by appropriate fencing of retained habitats and trees and hedges during construction
- Retention of tree belt along western boundary and boundary hedgerows (except to allow for creation of pedestrian access points)
- Enhancement of tree belt / hedgerows with additional planting
- Retention of buffer between tree belt / hedgerows and proposed development, not to be incorporated into residential gardens
- Presumption in favour of retention of all trees in relation to bats, including those unsuitable for retention
- Appropriate outdoor lighting scheme
- Requirement for a method statement to avoid risks to amphibians and reptiles
- Timing of work on trees / hedgerows outside the bird breeding season
- Incorporation of biodiversity habitats and features within public open space
- Water attenuation pond designed to provide biodiversity enhancements
- Installation of bat and bird boxes on mature trees and new buildings

However these recommendations are at odd with those of the Arboricultural Assessment (ref. FPCR, April 2014) particularly in relation to two trees which have been identified for their potential as bat roosts T1 (= T13) and T2 (= T48). The Illustrative Masterplan appears to show the trees kept within the layout, but having dwellings backing into the southern boundary and could make it unlikely that these trees could be retained. Having said this, the illustrative layout is for indicative purposes only and if the principle of development here is accepted, any reserved matters application, should where possible incorporate the recommendations within the submitted Ecology Report. This has been included within my recommended conditions. Similarly the Ecological Assessment report states that should trees T1 and T2 be felled as a result of development, further bat surveys should be undertaken. This requirement is also recommended to be a condition of any planning permission.

The Ecological Appraisal has identified that the small watercourse is of local nature conservation value. The Borough Council's Ecologist supports the retention of the small watercourse within the open space layout. Although vehicular access will require the culverting of a section of the watercourse, this should be kept to one single occurrence (except for foot bridges) and the section of culvert should be kept to the minimum possible.

This is an application for outline planning permission and the Borough Council's Ecologist has raised concerns that the built development, including the road/private drive network should not come too close to the watercourse, and it may be helpful to define the distance between the built development and the top of the watercourse bank

that the local planning authority will expect to see at the reserved matters stage. This is to ensure that a sufficiently wide buffer zone will be retained along the watercourse and that the aquatic environment will not be affected from water runoffs carrying pollutants from the road network. She has recommended a minimum of 10 m from the top of the banks.

The Borough Council's Ecologist has highlighted the recommendations of the Ecological Appraisal report have not been assimilated into the Illustrative Masterplan, i.e. the retention of buffer zones not being located within back gardens along the boundary hedgerows: the Illustrative Masterplan shows Area 1 (Buffer to Existing Dwellings) along the northern boundary and Area 2 (Retained Green Buffer) along the eastern and southern boundaries, with properties directly backing onto hedgerows except along the western boundary along Barkby Road. This type of layout is unlikely to ensure the long-term retention of existing vegetation along the boundaries, let alone the delivery of additional planting to form sustainable wildlife corridors. Having said this, the illustrative layout is for illustrative purposes only and can not form the basis of a refusal for this outline planning permission. It is considered that if planning permission is granted the layout should be amended, at reserved matters stage, so that the perimeter trees and hedgerows, particularly along the western, eastern and southern boundaries of the site are sufficiently protected and the recommendations within the Applicants Ecological Appraisal are incorporated within the design.

The Ecological Appraisal report has not included a bat activity survey on the basis that the boundary hedgerows and trees will be retained, gapped up and part of green buffers which will fall outside the residential curtilage. There are records of bat roosts along the southern built up area of Queniborough and it is very likely that the network of trees and hedgerows, particularly along the eastern and southern boundaries provide foraging grounds and commuting areas for the local bat populations. The Borough Council's Ecologist has also has some a concern about the vegetation along Barkby Road, and it is unclear what will be retained. The Proposed Access Location drawing 10000/09/01 does not appear to show any vegetation removal to secure visibility splays along Barkby Road. However the new vehicular access off Barkby Road is shown as 16 m across (6 m radius for the carriageway plus 2 m footways) at the point of the existing site access; however this will require the removal of vegetation and the extent of vegetation removal should be clearly shown on the above drawing. A new pedestrian / cycle access point off Barkby Road to the north of the application site will also require the removal of existing vegetation; the width required is not stated and this new access is not shown on the Illustrative Masterplan. It has been recommended that should vehicular access require the removal of trees/hedgerows to secure visibility splays along Barkby Road, replacement planting, outside the residential curtilage of new properties, should be delivered.

#### Impact on local Heritage Asset and their setting

There are no statutory or locally listed buildings or scheduled monuments within the site or its immediate vicinity. Similarly, there are no other heritage designations which affect this land. The heritage assets closest to the site with the potential to be affected by this development are the Queniborough Conservation Area and 25 Main Street.

The Queniborough Conservation Area is centred along the historic stretch of Main Street which lies to the south-west of the village centre which is focused on the

crossroads of Barkby, Rearsby, Syston and Queniborough Roads. The character of the village within the Conservation Area is markedly distinct to that of the rest of the village which was largely developed during the twentieth century. This stretch of Main Street is relatively contained with the composition of the wide street and variety of building forms drawn from a limited palette of materials responsible for its strong character. Key views in the 'Character Appraisal' are noted as being at different points along Main Street whose contrast between tight bends and broad stretches create interest as you move along it. Glimpses to the rear of building plots and into driveways are also noted as an important aspect of the Area's established appearance. As such, views into the surrounding countryside are limited and it is not considered that the development of the application site would harm the significance of the Conservation Area.

The setting of heritage assets is afforded equal protection in the NPPF and advice provided by English Heritage provides guidelines as to how the setting of heritage assets can be identified and any development within it judged. It is considered by the Borough Council's Conservation and Design Officer that the impact of the development of this site on the setting of the Conservation Area would be negligible. The contribution that this area makes to the setting has been previously affected by the development of the area between Barkby Road and Queniborough Road by the 1960s. There is an area of open space proposed between the edge of the Conservation Area boundary and that of the site which allows the site to appear more associated with Barkby Road and the part of the village created by more recent development, rather than the historic area of the village.

25 Main Street is a Grade II Listed dwelling dating from the early nineteenth century. Its principal elevation faces Main Street and it utilises a strong architectural style typical of this period and this in conjunction with its height makes it a distinctive building in the streetscene. The proposal site is to the rear of the property with a distance of approximately 0.09km between the eastern extent of the proposal site and the edge of the property boundary (approx 0.12km to rear elevation of no.25). There is a belt of planting along the eastern boundary of the site which acts to screen the site from no.25. Given the orientation of the dwelling towards Main Street and the distance between no.25 and the site which does not allow for clear views, there is no harm to the significance of the dwelling itself. With regard to the setting of no.25, there is no strong relationship evident today between the property and the proposal site and it is considered that this site is beyond the area that could reasonably be judged to constitute its setting. Therefore it is not considered the development of the proposed site would cause harm to the setting of the listed building.

With regard to archaeological issues that have been raised by the proposal the Borough Council's Conservation and Design Team Leader has confirmed that there are no significant potential impacts from the proposed development. This view is subject to the inclusion of a condition attached to any permission to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted.

### Flooding and Drainage

Concerns have been raised regarding the risk of flooding especially from surface water running off the higher land towards the Ridgeway to the south of the site. The

site is located within Flood Zone 1 which has a low risk of flooding. Photographs have been submitted as evidence that land in the vicinity floods. The Environment Agency has confirmed it does not object to the principle of the development. The Environment Agency has requested details of the Sustainable Urban Drainage Scheme and details of the final drainage scheme will be conditioned. Given the Environment Agency has made no objections and its advise, it is not considered a refusal of planning permission on the grounds of flooding could be justified.

### Design and Layout

The planning application is for outline planning permission with all matters reserved except for means of access. The planning application is accompanied by an illustrative masterplan setting out the broad form and layout of development. A number of comments have been raised regarding the proposed layout including the fact that there is insufficient area shown for the sustainable urban drainage, and the failure to include all the recommendations contained within the applicants own landscape and visual impact assessment.

It is considered these observations are valid, and as such conditions and information notes are attached to ensure that at the reserved matters stage the development comes forward in an appropriate high quality form, which is not tied to the indicative layout.

A mix of house types, sizes and tenures is envisaged within the Design and Access Statement. The design and access statement also identifies a development that will have a hierarchy of street types and public spaces, retained hedgerow boundaries and landscape enhancement around the existing brook, all of which will contribute to creating a distinctive place. This variety will need to be achieved in the built form if the development is to have a sense of place. The requirement of a design code would be the best way to ensure this.

Built form should define distinct urban blocks. There is a commitment to reduce the visual impact of highway engineering and to the integration of car parking within or behind the building line which will result in a street scene that is not dominated by roads and parked cars. The hierarchy and nature of routes should provide a safe and convenient network for pedestrians and cyclists.

The Borough Council's Urban Design Officer has indicated that the design and access statement provide the basic details of what should be a successful scheme. A design code will help to ensure that these concepts are delivered. Based on the Building for Life 'traffic light' system the scheme should not result in any red lights and should attain a majority of green lights once a full Building for Life (BfL) assessment, of reserved matters is undertaken.

Care will need to be taken at reserved matters stage to ensure the development has an acceptable relationship with existing properties on Glebe Road, particularly those which are single storey, and the developers attention will be drawn to the recommended space between buildings standards set out the Borough Councils adopted SPD 'Leading in Design'.

It is important to remember that this is an application for outline planning permission and all details are reserved except for access, at this stage. It is therefore considered a refusal of planning permission on the grounds of design would be both inappropriate and could not be justified.

### Highway safety concerns

Concerns have been raised regarding both the safety of the access points into Barkby Road and the capacity of the wider highway network to cope with the increase of traffic. The Highway Authority has made a thorough assessment of the highway issues and implications, which are set out earlier in this report. The Highway Authority has confirmed it has no objection to the proposed development, subject to the mitigation works at the Queniborough crossroads junction and providing conditions are placed on any approval of planning permission. It has carefully considered highway representations received but does not consider the development would result in severe harm to the use of the highway network and accordingly would be compliant with the advice contained within the Framework.

The mitigation works with regards to the Queniborough Crossroads junctions has been the subject of lengthy discussion, as summarised in the Highway Authority's comments, earlier in this report. Following a significant number of objections with regards to the loss of the trees adjacent to the Rearsby Road arm of the junction, along with concerns made by the Head of Planning and Regeneration, the applicant has amended the design of the proposed mitigation works, which now minimise the impact on the trees. This is now considered to provide a satisfactory solution to the highway issue whilst retaining appropriate amenity at the crossroads.

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

### Infrastructure Implications

Policy ST/3 of the Borough of Charnwood Local Plan provides for opportunities to secure improvements to infrastructure where there are deficiencies identified by consultees. This is supported by the Council's adopted S106 Developer Contributions SPD. In respect of this, and following consultation requests, proposals have been made to secure improvements to existing community infrastructure. These requests have to be tested against the Community Infrastructure Levy (CIL) Regulations 2010

The applicant's proposals include the provision of 40% onsite affordable houses and a financial contribution towards Civic Amenity, Libraries, Police and Health Care. Finally onsite children's play facilities and youth/adults provision are proposed in accordance with the Council's adopted SPD and Local Plan policies RT3, RT4 and RT5.

### Leicestershire County Council (Highway Authority)

The Highway Authority has requested:

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- New bus shelter on Syston Road (including raised and dropped kerbs to allow level access and information case); £8,291.00.
- Contribution towards equipping the nearest suitable bus stop on Syston Road and suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. £5,150.00.

The proposed request is considered to relate directly to the development proposed, is necessary to make the development acceptable in planning terms and is fairly and reasonably related in scale and kind to the proposed development and therefore complies with the requirements of the CIL Regulations 2010.

#### Leicestershire County Council (Libraries)

The library service has requested a contribution of £8,970. The proposed development will impact on local library services at the nearest local facility being the Syston Library on Upper Church Street. Therefore would request a contribution towards the provision and enhancement of library services and resources to meet the additional demands on library facilities at Syston. It is considered that this request is in scale and necessary to make the development acceptable based on meeting the identified needs of future occupiers of the development. This money would be spent within 5 years of the development commencing. The request is considered to comply with the requirements of the CIL Regulations 2010.

#### Leicestershire County Council (Environment and Transport)

The County Council has requested a contribution of £8,526. This would be used towards the delivery of Civic Amenity and waste facilities in the local area mitigating the impacts arising from the increased use of the Civic Amenity Site. The request is considered reasonable and compliant with CIL Regulations 2010.

#### NHS England

The NHS has requested a contribution of £24,930. NHS England is requesting a capital contribution from the developer to extend the waiting room in the Syston Medical Centre. This contribution would be spent on extending the waiting area within 5 years of the money being received. It is considered that the proposed request complies with the requirements of the CIL Regulations 2010 given it is an identified need, well related to the development and a there is a specific project identified. It is



recognised that cost are only estimates at this time, all be it from a quantified surveyor, as such the contributions will be paid to the Borough Council and released on the submission of details of the extension and appropriate evidence to ensure the final scheme is CIL compliant.

### Leicestershire Police

The Police has requested a contribution of £69,200. Leicestershire Constabulary has stated that the development is likely to result in an increased demand for their services. They have identified several areas where the proposal is likely to result in the need for policing services.

The Council identified within its S106 Developer Contributions SPD (2007) that some contributions for Policing can be justified in certain circumstances where there are capital costs arising. Within that document it allows for contributions to new Police Stations, or extensions to new stations. Since then, the Police have broadened their requests to deal with a range of other Police related infrastructure. Some of these requests have been unspecific or lacking in evidence and as a consequence they have not demonstrated how they are directly related to the needs of the development. They have therefore failed to comply with the requirements of the CIL Regulations 2010 and have not been accepted by the planning authority.

In this case, it is not possible to conclude whether the sum requested for new premises is fairly and reasonably related to the development. Growth of the area should also be accommodated from funding streams within the Police Grant Formula and it is not possible to see how this has been reflected when calculating the request. Similarly, the Police will receive additional revenue from Council Tax and commercial developments within the proposal. However, Police Services are constrained in their capital spending and it maybe unrealistic to expect all new policing requirements to be provided for by these funding streams.

Notwithstanding the above, Planning Inspectors and the Secretary of State have also taken the view that Police contributions, including more than just the capital costs of building directly related to the demands of a development, can be considered CIL compliant. Paragraphs 58 and 69 of the NPPF state that decisions should aim to ensure that developments create safe and accessible environments where crime or disorder and the fear of crime do not undermine the quality of life or community cohesion. Many of these appeal cases have been where Unilateral Undertakings were put forward and the Inspector and Secretary of State has accepted their inclusion.

The largest Police request is for premises and associated start up costs at £58,493 (additional premises £50,850 and start up equipment £7,643). It is reasonable to consider where development would have an impact on policing and would result in the need to expand existing stations to meet with this identified need that this capital expenditure would in principle be CIL compliant. Having said this it is recognised the request for the premises extensions at Enderby, Syston and Loughborough are uncosted and undetailed, although an estimate from a quantity surveyor has been provided. It is also considered that start up costs are capable of being compliant with the CIL Regulations potentially up to a maximum of £7,643. However, the detail of this package will need to be subject to further negotiation to address whether each

element of the start-up costs are compliant with the CIL Regulations. On this occasion, it is therefore considered reasonable to conclude that the Police request for a premises and the related start up equipment are justified in principle. The full details of the proposed extensions and start up equipment will need to be provided before the Borough Council will release the funds which will have previously been paid to the Borough Council by the developer. The agreement will require that the Council (or other parties) should use the contributions only for the purposes which they have been paid. The Council will be the responsible authority and should be able to be relied upon to manage contributions appropriately on receipt of a detailed scheme with appropriate evidence that the final extension and expenditure will be CIL compliant. If the money is not spent within 5 years it will be returned to the developer.

A request has been made for £4,650 as a contribution towards new vehicles to serve the development. Additional vehicles whilst considered essential by the police in seeking a contribution are considered unlikely to predominantly serve the needs generated by the development. As such the contribution is not considered to be compliant with the CIL Regulations.

A request has also been made for £506 for control room telephony on the basis that the development would result in an increase in calls to the system at Enderby. It is likely that additional telephony, workstations and monitoring screens may be required to deal with requests created by residents and businesses within the development. However, there is insufficient evidence of the costs in relation to the direct needs of the development, and therefore it is not considered that the request is CIL compliant.

A request has been made for £4,111 for ANPR CCTV deployment. However, no specific details have been provided as to where the CCTV camera would be sited, if its location would relate to this application or if it will help meet the demand generated by this development. The request talks about its location being on the main road network and close to or in the settlement. It is not considered that sufficient details have been provided to conclude that this request is directly related to the development to justify its compliance with the CIL Regulations 2010, on this occasion.

A further request for £500 has been made for a mobile CCTV unit. Whilst this additional camera would be a useful addition to provision of CCTV in the Borough, by the nature of it being mobile, it would not necessarily be used wholly for the development and the amount has not been appropriately justified. It is therefore considered that this would not comply with the CIL Regulations.

A request has been made for £330 to equip an access hub for the development. However, the development in itself would not be large enough to create a demand for a hub and no location has been identified that would accommodate it. For this reason, in this instance, it is not considered justified or compliant with the CIL Regulations.

A request for £371 has been made for additional systems and hardware to provide radio cover/capacity to carry calls from the development. Finally a further request for £239 has been made to provide data base capacity on the basis that the current system has reached capacity. Specific evidence has not been made available to

demonstrate that these requests would be sufficiently or directly linked to the demand created by the development. The requests are not therefore considered to be CIL compliant.

Each case needs to be addressed on its merits. In this instance, it is concluded that the requests relating to the additional premises and associated start up equipment, vehicles and additional call handling is sufficiently or directly related the specific needs of the residents of the development, and therefore justified to meet the CIL Regulations. Therefore a police contribution of £58,999 is accepted.

### Affordable Housing

The Leicester and Leicestershire local authorities have recently prepared a new Strategic Housing Market Assessment (SHMA), published in June 2014. This report continues to highlight a significant need for additional affordable housing in Charnwood to meet new and backlog need for homes. It identifies a need for 4,350 affordable homes between 2011 and 2036, which is 174 affordable homes each year. This up to date evidence provides the context for seeking 40% affordable housing on this site.

### On-site children's and youth/adult play provision.

The proposals for the provision of on-site children's play facility and youth/adult provision is considered to be appropriate given that the site the final design of which will be subject to consideration in the reserved matters application. The quantum of open space required is in accordance with policies TR/3, RT.4 and RT/5 of the Adopted Local Plan:

- 75 sqm per 10 dwellings for children's equipped playgrounds (1,275sq m)
- 125 sqm per 10 dwellings for other children's play space (2,125 sq m)
- 425 sqm of recreational space per 10 dwellings (7,225 sq m)
- 38 sqm per 10 dwellings for amenity open space (646 sq m)

### Cricket Ball Fence

A request has been made by Queniborough Cricket Club for the installation of a 'Ball Net' along the length along the boundary abutting the cricket club. In accordance with the CIL Regulations, it could be argued that this is reliant to the development and directly related and material to the application as there is the risk of balls damaging property within the proposed dwellings. The applicants have agreed in principle to the provision of a ball net. Further information is being sought to ensure that this is sufficient to enable the scheme to be implemented, these details will be reported to Plans Committee in the Extras Report. This money will be paid to the Borough Council and released to the Cricket Club and the submission of evidence including details of the scheme, costing and any relevant permissions. If the money remains unspent, it will be paid back to the developers after a period of 5 years.

## **Conclusions**

The central issue in the determination of this application is the need to balance the requirement to make land available for new housing, as set out in the Framework,

against the impact of development outside the limits to development and its landscape impact. It is considered the development would be sustainable and the Framework contains a presumption in favour of sustainable development. At the current time there is still, based on recent analysis, an identifiable shortage measured against the 5 year land supply promoted by the Framework.

Appeal decisions, indicate the considerable weight that appeal inspectors are placing on the need for a supply of housing land, against landscape considerations. It is concluded that the need for housing remains a consideration of significant weight.

The test from the Framework is whether the detrimental impacts of the proposal, on landscape impact, the local heritage assets, neighbouring residential amenity, highway safety and others covered within this report, would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing in a sustainable location or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is concluded that in this case, there is no significant or demonstrable adverse impact and the benefits of the additional housing and other benefits delivered by this development 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:

- Affordable Housing – 40% of the dwellings constructed on site to be affordable housing.
- Library Contributions – £8,970
- Civic Amenity Contribution of £8,526
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- New bus shelter on Syston Road (including raised and dropped kerbs to allow level access and information case); £8,291.00.
- Contribution towards equipping the nearest suitable bus stop on Syston Road and suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. £5150.00.
- A contribution of up to £58,999 towards Police premises and start up costs.
- A contribution of £24,930 to extend the medical practice in Syston.

- Provision and delivery of onsite young children's equipped (1,275 sq. m) and Other Children's Play space (2,125 sq. m), youth/adult recreation (7,225 sq. m) and Amenity Open Space (646 sq. m). This will provided and maintained in accordance with an Open Space delivery and management strategy, which will first be agreed with the local planning authority setting out the delivery of open space (including phasing), ongoing maintenance and public access to all open space and child play facilities in perpetuity.
- A contribution for the provision a ball net along the periphery of the application site with the Cricket Club.

## **RECOMMENDATION B**

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

1. Application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 1 year 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. landscaping, e. public open pace

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 garages, once provided, shall thereafter permanently remain available for car parking.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the development.

4. Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

5. Prior to the occupation of the 100th dwelling, the highway works as generally shown on the Stirling Maynard drawing 4746/26/05 shall be provided to the satisfaction of the local planning authority.

REASON: In the interests of highway safety

6. Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

7. Before first occupation of any dwelling, visibility splays of 2.4metres by 120 metres shall be provided at the junction of the access with Barkby Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

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

8. Prior to the commencement of development a traffic calming scheme for the section of Barkby Road fronting the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall include the relocation of the 30mph terminus signs to the south of the site access, extension of the street lighting and appropriate gateway/speed reduction measures. The scheme so agreed shall be implemented in accordance with the agreed timescales.

REASON: In the interests of highway safety

9. 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

10. No part of the development as approved shall be brought into use until details of a revised Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall incorporate the comments of the County Council's Sustainable Travel Group set out below.

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

11. No works shall begin on the site until such time as a detailed site survey to establish the degree of contamination of the site (including the presence, if any, of land-fill gas), together with a scheme of necessary remedial measures to render the site suitable and safe for development and to protect the locality, have been submitted to and agreed in writing by the local planning authority.

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

12. No works shall begin on the development, hereby permitted, until the measures, agreed in the scheme under the condition above, have been fully implemented. Upon completion of the approved remedial measures a site verification report shall be provided to the satisfaction of the local planning authority, including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use.

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

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

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

14. 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.

15. There shall be no less than a 5 metre easement from the top of bank on both sides of the watercourse crossing the site. Within this easement area there shall be no development of any sort.

REASON: For maintenance and ecological purposes.

16. Finished floor levels should be set no lower than 150mm above ground levels.

REASON: To mitigate against overland flow.

17. No development shall take place until a landscape management plan for the drainage elements on site, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out in accordance with the recommendations made in the submitted Ecological Appraisal report dated March 2013 and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- details of any new habitat created on site, including the new attenuation pond, which would be of value to priority species and species of local interest;
- details of any enhancements to the stream through appropriate riparian management;
- details of the undeveloped buffer strips around the stream and the new attenuation pond, and how they will be managed to benefit biodiversity noting that they should be no less than 8m in width;
- details of new culvert extents noting that the existing culvert should be removed should the new access culvert not be located at the current crossing point. Culvert extents should also be kept to a strict minimum;
- detail extent and type of new planting (NB planting to be of native species);
- details of maintenance regimes;
- details of management responsibilities.

REASON: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

18. No development shall take place until a plan for the protection and mitigation of damage to great crested newts, both during construction works and once the development is complete and including management responsibilities shall be submitted to and approved in writing by the local planning authority. The great crested newt protection plan shall be carried out in accordance with a timetable for implementation as approved.

REASON: This condition is necessary to protect any great crested newts found within and adjacent to the development site. Without it, avoidable damage could be caused



to the nature conservation value of the site. The species is identified under The UK Biodiversity Action Plan 2008 (UK BAP). Species and habitats of 'principal importance' for the conservation of biological diversity are listed for England under s41 of the Natural Environment and Rural Communities (NERC) Act 2006 and under Section 40 of NERC Act 2006 local planning authorities must have regard to the purpose of conserving biodiversity.

19. The hedge located on the west, east and south boundaries of the application site shall be retained and maintained at a height no lower than 2 metres. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

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

20. No development, including site works, shall begin until the hedge located on the south, east and west boundary of the application site has been protected, in a manner previously agreed in writing by the local planning authority. The hedge shall be protected in the agreed manner for the duration of building operations on the application site.

REASON: The hedge is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.

21. The existing trees shown as retained on the submitted plans including 5981-L-02K shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the local planning authority. Any trees removed, dying, being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the local planning authority within one year of the date of any such loss, for a period of 5 years from the date development begins.

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.

22. No development, including site works, shall begin until each tree shown to be retained on the approved plan has been protected, in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

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

23. No development, including site works, shall begin until a landscaping scheme, to include those details specified below and including the key objectives and mitigation measures set out in the submitted landscape and Visual Impact Assessment and Ecological Appraisal (FPCR, March 2013). This shall be submitted to and agreed in writing by the local planning authority:

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

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

24. 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.

25. No dwelling or building on the site shall be occupied until a landscape 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.

26. The details to be submitted in accordance with condition No. 2 shall include open space provision at a rate of 425 square metres per 10 dwellings suitable for recreational use by adults and youth.

REASON: To make sure that adequate open space is provided within the development and in accordance with the requirements of Policy RT/4 of the Borough of Charnwood Local Plan (Jan 2004)

27. The details to be submitted in accordance with condition No. 2 shall include open space/children's play area provision at a rate of 200 square metres per 10 dwellings

of which 75 square metres per 10 dwellings must include play equipment.

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).

28. The details to be submitted in accordance with condition No. 2 shall include open space provision at a rate of 38 square metres per 10 dwellings suitable for general amenity use.

REASON: To make sure that adequate open space is provided within the development and in accordance with the requirements of Policy RT/5 of the Borough of Charnwood Local Plan (Jan 2004).

29. No work shall commence on the site until proposals for the future management of public open spaces/children's play areas/tree planting areas/ landscape buffers/ sustainable urban drainage and other incidental open spaces have been submitted to and agreed in writing by the local planning authority.

REASON: To ensure the satisfactory maintenance of such areas in the interests of general amenity.

30. The open space, recreational, children's play areas and any other areas of public open space shall be laid out and landscaped in accordance with the details agreed under the above conditions, before the first occupation of the last house on the site to be occupied. And shall be maintained in accordance with the open space management future management strategy (required under the condition above) in perpetuity.

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

31. No development shall take place until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the local planning authority, and no development shall take place except in accordance with the approved details.

REASON: To ensure that any features of archaeological interest are protected or recorded.

32. No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the local planning authority.

REASON: To ensure the satisfactory, overall appearance of the completed development.

33. No use or occupation of the building hereby permitted shall take place until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development.

34. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

REASON: The Humber River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

35. Prior to the commencement of development work an external lighting scheme designed to minimise detrimental impacts on biodiversity and 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.

36. If Trees T1 (=T13) and T2 (=T48) are to be felled or cut back a full Bat survey of these trees shall first be undertaken and this report along with any appropriate mitigation measures shall be submitted to agreed in writing with the local planning authority. This mitigation works shall then be carried out in full, in accordance with the agreed details.

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

37. Prior to the commencement of development work on site a bat and bird box scheme integral to the fabric of the new buildings shall be agreed in writing with the local planning authority and the agreed scheme shall be fully implemented and retained thereafter.

REASON: To deliver opportunities for biodiversity enhancements

38. With regards to the off site highway mitigation works at the Queniborough Road and Rearsby Road junction:

- No trees are removed (i.e. T1-T21 inclusive as shown on 5981-A-06 plus the recently planted young Pine and Hornbeam).
- Trees T1-T21 are protected during the construction works to BS5837:2012. Details of which shall be submitted and approved in writing by the local planning authority prior to work commencing.
- The footpath and carriageway works in the root protection areas of the retained trees shall be constructed using a no-dig solution to minimise damage to tree roots. Details of this shall to be submitted to and approved prior to work commencing.
- Details of any tree canopy work is submitted to and agreed in writing with the local planning authority and carried out in accordance with BS3998:2010.

REASON: The trees are an important feature in the area and this condition is imposed to make sure that they are properly protected whilst works take place.

39. No development shall commence until a Design Code for the site has been submitted to and approved in writing by the local planning authority. Any amendment to the code shall be submitted to and approved in writing by the local planning authority. The Design Code shall address the following:

- Architectural and sustainable construction principles
- Lifetime home standards
- Car parking principles
- Street types and street materials
- Boundary treatment
- Building heights
- Building materials
- Provision of open space and play space (including a timetable for implementation and any availability for public use and future maintenance) in accordance with the standards set out in saved Policies RT/3, RT/4 and RT/5 of the adopted Local Plan
- Design of the site to accord with the principles of Building for life 12 and the Borough Councils SPD Leading in Design
- A lighting scheme designed to minimise impact on wildlife
- Layout principles which incorporate the key objectives set out in the Landscape and visual impact assessment and Ecological Appraisal submitted with this application

REASON: To make sure that the development takes a form that is in keeping with the character and appearance of the area.

The requirements of these conditions must be complied with.

Information Note:

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information:

<http://www.charnwood.gov.uk/pages/planapps>

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

1. The decision has been reached taking into account paragraphs 186-187 of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
2. 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).

3. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies ST/1, ST/2, ST/3, EV/1, H/5, H/16, CT/1, CT,2, TR/6, RT/3, RT/4, RT/5 and RT/12 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and the guidance set out within the National Planning Policy Framework have been taken into account in the determination of this application. The proposed development complies with the requirements of these Development Plan policies and other material planning considerations and there are no other material considerations which are of significant weight in reaching a decision on this application.
4. 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, when considered against the benefits the scheme would deliver in terms of meeting the Borough Councils housing need.
5. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows:  
-  
For 'major' accesses - see Part 6 of the "6Cs Design Guide" (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.
6. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
7. 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.
8. 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.

9. Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. The SAB role is currently anticipated to commence in April 2014. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk) if you wish to discuss further.
10. It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.
11. The surface water attenuation area should be designed in such a way as to include biodiversity benefits, with a permanently wet area and varied depths, planted with native aquatic and marginal vegetation.
12. Any drainage scheme proposed should provide a sustainable drainage strategy to include SuDS elements with attenuation, storage and treatment capacities incorporated as detailed in the CIRIA SUDS Manual (C697). Two trains of treatment could be provided through a pond and permeable paving. With regard to water quality considerations for the site, it is recommended that 1 treatment train is provided for building roofs and 2 treatment trains are provided for roads and hard-standing areas in line with CIRIA C697 recommendations.
13. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended), therefore should nesting birds be present in the trees / existing buildings subject to the consent, felling / surgery / clearance work should be deferred until the young birds have fledged. The nesting bird period is considered to take place between March to August inclusive, but may start earlier and extend later. For advice, please contact Charnwood Borough Council's Senior Ecologist on 01509 634729.
14. The Acoustic report prepared by Wardell Armstrong identifies that the dominant noise likely to affect the site was from road traffic. Due to the location it is believed that the noise limits should be achievable across the site without the need to mitigate. This however need to be confirmed at the reserved matters application stage.

15. Leicestershire Fire and Rescue Service has asked that your attention is brought to Building Regulations 2010 Approved Document B Volume 1: Dwelling houses (2006 edition as amended), B5, Section 11 Access and Fire & Rescue Services. and the Guidance document produced by Leicestershire Fire and Rescue Services 'Fire Service access to domestic New Builds. Guide to Planners and Developers.

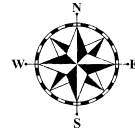




This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Licence No: 100023558

*This copy has been produced specifically for Council purposes only. No further copies may be made.*



**Application No:** P/14/0708/2

**Location:** Land off Barkby Road, Queniborough, Leicestershire

**Scale:** 1:5000

