

APPEAL REF: APP/X2410/W/23/3325902

(Application ref: P/21/2639/2)

Land north of Barkby Road, Syston, Leicestershire

Outline planning application for up to 195 dwellings, together with associated affordable housing, open space, landscaping, drainage and play space facilities. All matters reserved bar access which is proposed from Barkby Road.

Condition Schedule

Condition No.	Proposed Condition Wording	Areas of Disagreement
1	<p>Application for approval of all the reserved matters shall be made to the local planning authority not later than three years from the date of this permission, and the development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.</p> <p>REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended)</p>	
2	<p>Details of the layout, scale, appearance, and landscaping (hereinafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.</p> <p>REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).</p>	
3	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and details:</p> <ul style="list-style-type: none"> • P20-3155 001 Rev C Sheet No: 1 (Site Location Plan) • 20060-02 Rev F (Site Access Plan) 	

	<ul style="list-style-type: none"> RSC/EB/DL/22014 (stage 1 road safety audit, Section 4 recommendations) (19th October 2022) SJT/JLA/RM/RT 20060-02b (residential travel plan) (23rd Sept 2021) <p>The development shall be carried out in general accordance with the following approved plan:</p> <ul style="list-style-type: none"> P20-3155 003 Sheet No: 1 Rev: H (Concept Masterplan) <p>REASON: For avoidance of doubt.</p>	
4	<p>Landscape:</p> <p>Notwithstanding the approved Concept Masterplan (P20-3155 003 Sheet 1 Rev H), the landscaping and layout details submitted pursuant to condition 2 shall be in general accordance with all the recommendations and conclusions of the Landscape and Visual Appraisal (EDP, Dec 2021) (sections 5, 6 and 7) and Plan EDP L8: Landscape Strategy EDP4685_d032a to mitigate the identified adverse effects of the development.</p> <p>REASON: To mitigate the identified adverse landscape and visual impacts of the proposal in accordance with policies CS2 and CS11 of the Core Strategy (2015) and Policies DS5 and EV1 of the draft Charnwood Local Plan (2021-37).</p>	<p>Amendment suggested by Appellant to reflect the illustrative nature of the Concept Masterplan that the Landscape and Visual Appraisal is based on.</p> <p>The Council do not consider this proposed amendment to be necessary.</p>
5	<p>Ecology and Trees:</p> <p>Notwithstanding the approved Concept Masterplan (P20-3155 003 Sheet 1 Rev H), the landscaping and layout details submitted pursuant to condition 2 shall be in general accordance with the recommendations and conclusions in Sections 4 and 5 of the Ecological Appraisal (EDP, Nov 2021) as updated by the Biodiversity Net Gain Assessment Technical Note (EDP, October 2022), the Arboricultural Impact Assessment (EDP, Nov 2021) and the Tree Removal and Retention Plan (edp-4685_d031b), to mitigate identified impacts and enhance the site where possible and deliver a minimum of 10% net gain in biodiversity.</p> <p>REASON: To conserve and enhance the natural environment and secure net gain in biodiversity mitigate the identified adverse landscape and visual impacts of the proposal in accordance with policies CS2 and CS13 of the Core Strategy (2015) and Policies DS5, EV6 and EV7 of the draft Charnwood Local Plan (2021-37).</p>	<p>Amendment suggested by Appellant to reflect the illustrative nature of the Concept Masterplan that these documents and plans are based on.</p> <p>The Council do not consider this proposed amendment to be necessary.</p>
6	<p>Landscape Scheme:</p> <p>The hard and soft landscaping details submitted pursuant to condition 2 shall include:</p>	

	<ul style="list-style-type: none"> • the treatment proposed for all ground surfaces, including hard surfaced areas. • planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site. • finished levels or contours within any landscaped areas. • any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. • functional services above and below ground within landscaped areas; • all existing trees, hedges and other landscape features, indicating clearly any to be removed. • all proposed boundary treatments • position and type of bins to be provided. • A programme for the phased implementation. <p>The landscaping shall be implemented in accordance with the approved details.</p> <p>REASON: To secure an appropriate landscaping scheme in accordance with policies CS2 and CS11 of the Core Strategy (2015) and Policies DS5 and EV1 of the draft Charnwood Local Plan (2021-37).</p>	
7	<p>Levels details:</p> <p>The details submitted pursuant to condition 2, shall include full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels. The development shall be carried out in accordance with the approved levels.</p> <p>REASON: In order to ensure that development proposals conserve and enhance the character of the area and ensure that new development is of a high quality and respects the character and amenity of the locality, in accordance with Policies CS2 and CS11 of the Core Strategy (2015) and Policies DS5 and EV1 of the draft Charnwood Local Plan 2021-37.</p>	
8	<p>Open space requirements:</p> <p>The layout and landscaping details submitted pursuant to condition 2, shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> i. Multi-function green space (minimum 0.66Ha) ii. Natural and semi-natural open space (minimum 0.94Ha) 	

	<p>iii. A LEAP facility</p> <p>REASON: In order to ensure that development proposals contribute to the open space needs of the community served, in accordance with Policies CS15 and CS11 of the Core Strategy (2015) and Policies DS5 and EV9 of the draft Charnwood Local Plan 2021–37.</p>	
9	<p>Pursuant to condition 2, the details to be submitted shall include that 10% of new market homes and all of the affordable homes will meet the Building Regulations Part M4(2) standard for being accessible and adaptable. Subject to need identified by the Registered Provider, and to an assessment of viability and/or site-specific constraints, some of the affordable homes on the site shall meet the M4(3) standards being suitable for wheelchair users.</p> <p>REASON: In meet the needs of the ageing population and people with disabilities and to secure high design quality, in accordance with Policies CS2 of the Core Strategy (2015) and Policies DS5 and H2 of the draft Charnwood Local Plan (2021–37).</p>	
10	<p>Pursuant to condition 2 the housing mix for market and affordable homes shall reflect up to date evidence of housing need in the Borough.</p> <p>REASON: To ensure that the development provides an appropriate mix of homes having regard to the identified housing needs of the area, in accordance with policy CS3 of the Core Strategy, Policy H1 in the emerging Charnwood Local Plan and the NPPF.</p>	
11	<p>Space standards:</p> <p>Pursuant to condition 2, the details to be submitted shall show all units in compliance with the Nationally Described Space Standards.</p> <p>REASON: In order to ensure that development proposals are of a high design quality, in accordance with Policies CS2 of the Core Strategy (2015) and Policies DS5 and H3 of the draft Charnwood Local Plan (2021–37).</p>	
12	<p>LLFA condition 5</p> <p>Pursuant to condition 2, the details submitted shall include revised flood modelling against the proposed layout demonstrating sufficient flood risk mitigation is to be provided by the development. The development shall be carried out in accordance with the approved details.</p> <p>REASON: To demonstrate that the surface water model’s results and conclusions are maintained once detailed proposed level information and plot layouts are included, in</p>	

	<p>order to ensure that development proposals contribute to the conservation and enhancement of the natural environment, and to protect the amenity and safety of nearby existing and future residents, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5, CC1, CC2 and CC4 of the draft Charnwood Local Plan 2021-37, and Section 14 of the National Planning Policy Framework.</p>	
13	<p>Archaeology</p> <p>Pursuant to condition 2, the details submitted shall include the results of the further archaeological excavation and recording, arising from the results of the Report on an Archaeological Trial Trench Evaluation (York Archaeology, YA/2023/217), on the southern field identified in Figure 10 of the Report, completed in accordance with a written scheme of investigation (WSI), which has been approved by the local planning authority in writing. The WSI shall include, but is not limited to:</p> <ul style="list-style-type: none"> • The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. • The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. <p>For land that is included within the WSI, no development shall take place other than in accordance with the agreed mitigation.</p> <p>REASON: To ensure satisfactory archaeological investigation, recording, dissemination, and archiving, in accordance with Policy CS14 of the Core Strategy (2015) and Policy EV8 of the draft Charnwood Local Plan (2021-37) and Section 16 of the National Planning Policy Framework.</p>	
14	<p>Ground Gas Mitigation Report</p> <p>Pursuant to condition 2 the details to be submitted shall include a Detailed Design Report for Ground Gas Mitigation, as described in the submitted Ground Gas Risk Assessment (RSK, May 2018 section 8). The report shall be submitted to, and approved in writing by the local planning authority prior to the construction of any dwellings. The report shall be in accordance with BS8485, and shall include as a minimum:</p> <ul style="list-style-type: none"> i. Ground conditions and gas conceptualisation (severity of gas regime and sensitivity of proposed end-use) 	

	<ul style="list-style-type: none"> ii. Building and construction related details pertinent to the design of gas mitigation system/measures including, but not limited to; foundation type, floor slab, wall construction and any complex detailing. iii. Gas protection system design that is sufficient to mitigate the gas risk and be practically installed given the building and construction related details. This is likely to include venting calculations (to demonstrate air exchange of one volume per day), specification details for products and components suitable for constructing the system, installation methodology and installer qualifications/experience. iv. A verification plan (prepared in accordance with CIRIA C735 and as discussed below). v. A monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation, proportionate to risks identified in the assessment. <p>REASON: In order to ensure that development protects the amenity and safety of the people who will live there, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5 and CC4 of the draft Charnwood Local Plan (2021-37).</p>	
15	<p>Ground Gas Remediation Scheme</p> <p>No development shall take place where (following the Detailed Design Report approved under condition 13 land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a Detailed Remediation Scheme shall have been submitted to and approved in writing by the local planning authority. The Scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The Remediation Scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.</p> <p>REASON: In order to ensure that development protects the amenity and safety of the people who will live there, in accordance with Policies CS2 and CS16 of the Core Strategy</p>	

	(2015) and Policies DS5 and CC4 of the draft Charnwood Local Plan (2021-37).	
16	<p>Ground Gas monitoring and maintenance</p> <p>No development shall take place until a monitoring and maintenance scheme, proportionate to the risk identified in the Detailed Design Report (approved under condition 13) or discovered during site works, to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing within 28 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 28 days and approved in writing within 28 days of receipt. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.</p> <p>REASON: In order to ensure that development protects the amenity and safety of the people who will live there, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5 and CC4 of the draft Charnwood Local Plan (2021-37).</p>	
17	<p>Tree and Hedgerow Protection during construction</p> <p>No development shall take place until the existing trees on the site and existing hedgerows to be retained have been protected in accordance with a Tree and Hedgerow Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.</p> <p>REASON: In order to ensure that development proposals contribute to the conservation and enhancement of the natural environment and to ensure that new development is of a high quality and respects the character and amenity of the locality, in accordance with Policies CS2, CS11 and CS13 of the Core Strategy (2015) and Policies DS5, EV1 and EV6 of the draft Charnwood Local Plan 2021-37.</p>	

<p>18</p>	<p>LLFA condition 1</p> <p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme (including details of its phased implementation) has been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and completed prior to first occupation within the relevant phase.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to contribute to the conservation and enhancement of the natural environment and to ensure that new development is of a high quality and respects the character and amenity of the locality, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5, CC1, CC2 and CC4 of the draft Charnwood Local Plan 2021–37, and Section 14 of the National Planning Policy Framework.</p>	
<p>19</p>	<p>LLFA condition 2</p> <p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase contribute to the conservation and enhancement of the natural environment, and to protect the amenity and safety of nearby existing and future residents, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5, CC1, CC2 and CC4 of the draft Charnwood Local Plan 2021–37, and Section 14 of the National Planning Policy Framework.</p>	
<p>20</p>	<p>LLFA condition 4</p> <p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5, CC1, CC2 and CC4</p>	

	of the draft Charnwood Local Plan 2021-37, and Section 14 of the National Planning Policy Framework.	
21	<p>LCC condition 6</p> <p>No development shall take place until a scheme for the treatment of the Public Right of Way J37 within the development site, to the site boundary between the northeast of the site and Queniborough Road, and to the site boundary between the west of the site and north of John Frear Drive has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the management of the PROW during construction, details of surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers together with a programme for implementation of the works. The approved scheme shall be implemented in accordance with the approved scheme and implementation programme.</p> <p>REASON: to protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework.</p>	
22	<p>CEMP (biodiversity)</p> <p>No development shall commence to clear the site in preparation for the development hereby permitted until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted and approved by the Local Planning Authority. The CEMP: Biodiversity shall include the following:</p> <ul style="list-style-type: none"> i. risk assessment of potentially damaging construction activities, with particular care taken with protected species. ii. identification of biodiversity protection zones. iii. practical measures to avoid or reduce impacts during construction. iv. the location and timing of sensitive works to avoid harm to biodiversity. v. construction lighting proposals which are sensitive to protected species. vi. the requirements for when an ecological clerk of works (EcoW) or similarly competent person is needed to oversee works. vii. the use of protective fences, exclusion barriers and warning signs. 	

	<p>The approved CEMP shall be adhered to and implemented throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species. In order to ensure that development proposals contribute to the conservation and enhancement of the natural environment, in accordance with Policy CS13 of the Core Strategy (2015) and Policy EV6 of the draft Charnwood Local Plan (2021-37).</p>	
23	<p>LEMP</p> <p>Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p>REASON: In order to secure the development contributes to the conservation and enhancement of the natural environment, in accordance with Policies CS2, CS11 and CS13 of the Core Strategy (2015) and Policies DS5, CC2, EV1, EV6 and EV7 of the draft Charnwood Local Plan (2021-37).</p>	
24	<p>LLFA condition 3</p> <p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, contribute to the conservation and enhancement of the natural environment and to ensure that new development is of a high quality and respects the character and amenity of the locality, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5, CC1, CC2 and CC4 of the</p>	

	draft Charnwood Local Plan 2021-37, and Section 14 of the National Planning Policy Framework.	
25	<p>LCC condition 2</p> <p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access Right Turn Lane Northern Site, drawing no. 20060-02 Rev F have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy INF2 of the draft Charnwood Local Plan 2021-37 and the National Planning Policy Framework.</p>	
26	<p>LCC condition 3</p> <p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres to the right (eastbound approach) and 2.4 metres by 75 metres to the left (westbound approach) have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p>REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy INF2 of the draft Charnwood Local Plan 2021-37 and the National Planning Policy Framework.</p>	
27	<p>Contamination</p> <p>Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until and a risk assessment is carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant part of development) is resumed or continued.</p> <p>REASON: In order to ensure that development protects the amenity and safety of the people who will live there, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5 and CC4 of the draft Charnwood Local Plan (2021-37).</p>	

28	<p>Site clearance timescales</p> <p>All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.</p> <p>REASON: In order to ensure that development proposals contribute to the conservation and enhancement of the natural environment, in accordance with Policies CS13 of the Core Strategy (2015) and Policy EV6 of the draft Charnwood Local Plan (2021-37).</p>	
29	<p>External lighting</p> <p>No permanent external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme proposed should consider the impact on protected species.</p> <p>REASON: In order to ensure that development proposals contribute to the conservation and enhancement of the natural environment, in accordance with Policies CS13 of the Core Strategy (2015) and Policy EV6 of the draft Charnwood Local Plan (2021-37).</p>	
30	<p>LCC condition 7</p> <p>The agreed Residential Travel Plan SJT/JLA/RM/RT 20060-02b dated 23rd September 2021 shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy INF2 of the draft Charnwood Local Plan 2021-37 and the National Planning Policy Framework (2021).</p>	
31	<p>Maintenance of planting:</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings, or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p>	

	<p>REASON: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with policies CS2 and CS11 of the Core Strategy (2015) and Policies DS5 and EV1 of the draft Charnwood Local Plan (2021-37).</p>	
32	<p>The development hereby permitted shall be built in accordance with the approved plans and details listed above unless a further planning application specific to the access arrangements is submitted and approved by the Council in substitution for that part of the approved development. If such further planning application is approved, the remaining development may still be developed as approved in this Planning Permission, it being intended that this Planning Permission is severable on these terms.</p> <p>REASON: For the avoidance of doubt.</p>	<p>Additional condition proposed by Appellant but not considered necessary by the Council.</p>