

## Decision under Delegated Powers

### Officer Requesting Decision

Principal Planning Officer, Development Management

### Officer Making the Decision

Head of Planning & Regeneration Services

### Recommendation

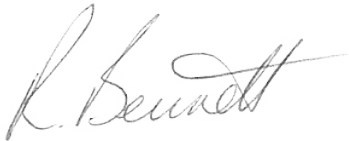
That the resolution of plans committee on 22<sup>nd</sup> September 2015 to grant planning permission subject to a Section 106 Legal Agreement and conditions should be followed and that:

- ) The Section 106 Legal agreement be signed
- ) The Decision Notice be issued with the conditions as amended.

### Authority for Decision

The Committee Resolution of the 22<sup>nd</sup> September 2015 as set out under the heading "recommendation" immediately above.

### Decision and Date



4 July 2018

### Background

Planning application P/14/1833/2 is an outline application for the following development on land West of Loughborough:

Outline planning permission for residential development up to 3,200 dwellings; up to 16 ha of employment land of B1/B2 and B8 uses; a mixed-use Community Hub of up to 4 ha comprising a local convenience retail unit (2,000 sqm); up to 1,000 sqm of other A1 retail, A2 financial and professional services, A3 food and drink, B1 business and D1 uses, sites for Gypsy, Travellers and Travelling Showpeople provision totalling 1 ha; 2 primary schools up to 2 ha each; strategic open space including allotments; access roads and new Strategic Link Road; open space/landscaping and associated works; principal means of access; restoration of Garendon Park and assets; all other matters to be reserved.

### Purpose of the Report

The purpose of this report is to consider the following:

- J Any changes to legislation, the Development Plan or any other matter which may be a material planning consideration since resolution A of Plans Committee, (to grant planning permission), on 22<sup>nd</sup> September 2015 was made
- J The Section 106 agreement for the above development, which has been completed further to resolution B of Plans Committee, (to prepare a Section 106 agreement), on 22<sup>nd</sup> September 2015.
- J Any changes to the proposed planning conditions since resolution C of Plans Committee, (to grant subject to conditions which may be varied), on 22<sup>nd</sup> September 2015

### **Scope and Structure**

The report is set out as follows:

- J **Section 1** deals with an assessment of whether there have been any **material changes** between the resolution to grant planning permission on 22<sup>nd</sup> September 2015, (**resolution A**), and the date of this report. Each change is set out within Appendix A along with a conclusion as to whether it is material and the reasoning behind this conclusion. The aim of this section of the report is to conclude whether there is a need to bring these matters back to Plans Committee in the event that they may impact on resolutions A,B or C. The conclusion reached is that there is no need at this stage to return to committee and this report shows why this is the case.
- J **Section 2** deals with the **Section 106 Legal Agreement** that has been prepared and how this differs from **resolution B**. Appendix B tabulates these differences and sets out the reasoning behind any changes. The aim of this section is to provide a cross check that the final Section 106 is in line with resolution B and to inform members of any alterations.
- J **Section 3** deals with the **conditions** to be attached to the permission and changes that have been made to these since the committee resolution on 22 September 2015. Appendix C tabulates the changes and includes the reasoning behind them. As **resolution C** authorises changes to, the conditions, including addition and deletion this section is for information only.

### **Section 1 Material Changes**

The Council is under a duty to consider the development plan and other material considerations as at the time of the issue of the decision notice.

If matters change between a council resolution to grant planning permission and the actual issue of the permission then those are only material if taking them into account might lead to a refusal of planning permission or a substantive change to the terms of the conditions or obligations. Officers' authority in the committee resolutions to vary proposed conditions and finalise the planning obligation authorise them to take changes into account. Any change in circumstances which might

change the decision beyond the authority given to officers would require the application to be reconsidered by the Plans Committee.

Within the 22<sup>nd</sup> September 2015 Committee Report 16 topic based planning issues were identified which informed the planning balance. These are dealt with in turn below.

1. **The Principle of Development** – Within this section of the committee report it was concluded that the development was acceptable in principle. It examined strategic policy weighting and compliance, the 5 year supply of housing land and the overall sustainability of the site. There have been changes to local and national policy since the report was published along with new evidence and changes in case law. A detailed assessment is set out in at appendix A below but in summary it is not considered that any of the changes documented are material in terms of resolution A.
2. **Landscape and Visual Character** – This section of the committee report examined the landscape impacts of the development and concluded that the scheme would not cause harm and that it complied with emerging policy. The weight given to saved policies protecting the countryside, (which the site fell within), was reduced in the light of the emerging Core Strategy. The adoption of the Core Strategy was merely supportive in this respect. A detailed assessment is set out at Appendix A below.
3. **Highway Network and Safety** – This section of the Committee report was concerned with impacts on the Highway network and concluded that the evidence submitted with the planning application showed the proposal could be accommodated without severe residual cumulative impacts. As a result compliance with emerging Core Strategy policies was concluded. This is set out at Appendix A below but in conclusion it is not considered that the adoption of the Core Strategy is material in terms of resolution A.
4. **Flood Risk** – This part of the Committee Report concluded there was no flood risk within the site as the majority of the development is within zones 2 and 3. It also found the site to comply with an appropriate sequential test. Compliance with the Core Strategy was concluded and following the adoption of this document no material change identified. An assessment is set out at Appendix A below.
5. **Heritage Assets** – This section of the report concluded that there would be less than substantial harm to heritage assets subject to appropriate mitigation. The public benefits of the proposal were considered to outweigh this. Appendix A identifies changes to policy, changes to other material considerations and the possibility of further physical deterioration on the ground. A detailed assessment is set out at Appendix A below but in conclusion it is not considered that these changes would be material in terms of resolution A.
6. **Ecology** – This section of the report concluded that the proposal complied with the emerging Core strategy and that providing appropriate mitigation measures were taken there would be no harm to ecological interests. It also clarified that a

licence covering protected species would be forthcoming. Appendix A identifies that there are policy changes, a new set of regulations and possible physical changes on the ground. A detailed assessment is set out at Appendix A below but in conclusion it is not considered that these changes would be material in terms of resolution A.

- 7. Residential amenity** – This part of the Report concluded that the proposal would not be harmful to residential amenity. The adoption of the Core Strategy added additional Development Plan policies as set out in Appendix A but did not introduce any material change.
- 8. Design** – This section of the report covered a range of issues including density, amenity, the traveller site and connectivity to adjacent areas. Appendix A identifies that there have been changes to policy, that there is emerging national policy and that there may be changes to budgets and programmes. However, it is not considered that these changes are material to resolution A.
- 9. Open spaces & Green Infrastructure** – This part of the report concluded that open space was being provided in excess of policy requirements and that this was a positive in the planning balance. Appendix A recognises that the adoption of the Core Strategy strengthens this assessment and that there is no material change.
- 10. Geology and Minerals** – This section of the report identified the need to protect minerals in the area and found the proposals to comply with relevant minerals control policy. Appendix A notes that there is new minerals policy at an advanced stage but also that this does not introduce a material change to the assessment which informs resolution A.
- 11. Retail** – This part of the report concluded that the proposal complied with emerging policy CS9 as it had been sequentially tested and no negative retail impact had been found. Appendix A considers that adoption of the emerging policies, including a new policy CS22, is not material to resolution A.
- 12. Agricultural resources** – The committee report recognises there is harm in this respect but find this is not at odds with the positively worded emerging policy. Appendix A notes that the adoption of this policy is not material to resolution A.
- 13. Provision of housing to meet local need** – This section of the report looks at housing mix across the scheme. It concludes that an acceptable market mix can be secured within the reserved matters submissions and that the mix and level of affordable housing is acceptable given viability and local circumstances defined in the Housing strategy. Appendix A identifies the adoption of emerging policy, the publication of HEDNA and the Council's new SPD as changes that have occurred since resolution A. It goes on to conclude these are not material.
- 14. East Midlands Airport and bird strike** – This part of the report is concerned with the management of water and landscape across the site and ensuring these features would not increase hazards to aviation. The report concludes that it would be possible to successfully manage this. There are no changes identified

to this consideration and Appendix A confirms that there is nothing material to the decision.

**15. Community Infrastructure & Services** – The report sets out CIL compliant requests and explains the planning policy behind these. Appendix A identifies that there are policy changes but that these are not material to resolution A.

**16. Other Issues** – The report deals with other matters raised, but not covered under the above sections, under this heading, and concludes that none of these indicate that planning permission should be refused. Appendix A identifies there has been a change in Development Plan policy which affects the issue of employment provision but that this is not material.

## Conclusion

The only changes since the committee meeting have served to confirm their decision, in particular the adoption of the Core Strategy which allocates the site for a sustainable urban extension. There is therefore no need to refer the application back to the committee for redetermination. Counsel's opinion was obtained and they confirmed this approach was in order.

## Section 2 106 Legal Agreement

Resolution B gave authority for a Section 106 legal agreement to be prepared to cover a number of matters which were set out as broad head of terms within the Committee Report. Officers were authorised to finalise the terms of the agreement. The section 106 agreement has now been prepared but some of the heads of terms have been altered or new matters added to them. Appendix B lists the Heads of Terms by subject area and indicates those that have been varied.

In summary the changes are for the following reasons:

Change	Reason
Removed reference to Children's and Young Persons strategy	To avoid duplication of planning conditions
Removal of requirement for details of park restoration to be in recreational strategy	To avoid duplication of planning conditions and other parts of the S106
Primary School contributions altered.	To correct an error and reflect a more accurate costing.
Change to Local Centre Trigger	To tie the provision of this centre in with provision of the strategic link road. As the centre is accessed via this road there needs to be sufficient time to construct it once the road is complete.
Travel Pack Contribution	To allow the developer to provide the travel packs rather than requiring a financial contribution to these
Introduction of an Affordable Housing Cascade	To allow greater certainty in delivering and managing the affordable units

These changes are considered to comply with tests set out within the Community and Infrastructure Levy Regulations 2010 (as amended). It is considered that the differences identified between the resolution and the S106 agreement would not change the planning balance or the committee resolution to grant planning permission and that it does not fall outside the delegated authority of the Head of Strategic Services and Planning & Regeneration to sign the Section 106 agreement.

On this basis it is recommended that the Section 106 Legal agreement is signed.

### Section 3 Conditions

Resolution C stated that, subject to completion of a section 106 Legal agreement, planning permission would be granted subject to a series of planning conditions listed within the committee report. It also authorised changes to the conditions, including addition and deletion. For information these conditions are listed at Appendix C along with any changes to them and the reason for these. It is not considered that any of the alterations, additions or deletions changes the purpose or control of the conditions or undermines their original objectives. Accordingly it is considered that the changes are compliant with resolution C.

### Financial Implications

There are no direct financial implications for Charnwood Borough Council as the legal agreement is being funded by the applicant. There are significant contributions to infrastructure by way of the Section 106 agreement which will be paid to the council.

### Risk Management

<b>Risk Identified</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Risk Management Actions Planned</b>
Legal challenge to the decision due to the time that has lapsed between the resolution to grant and the issue of Planning Permission.	Likely	Low	This report is intended to provide an assessment of that risk and has concluded that there are no current material changes that would necessitate a return to plans committee.
That alterations to the S106 agreement may be outside the scope of resolution B	Unlikely	low	This report has assessed those changes and it is concluded that the alterations do not alter the purpose of the S106 agreement. The changes mean that the agreement remains CIL compliant.
That alterations to the planning conditions significantly change the intent and	Unlikely	Low	This report has assessed those changes and it is concluded that the alterations do not alter the scope and purpose of the conditions

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
purpose of these.			

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Key Decision: No

Background Papers:  
 Planning files: P/14/1833/2  
 Approved Section 106 Agreement

## APPENDIX A – Material Changes Assessment

This appendix looks at changes that have occurred within each of the topic areas assessed in the planning balance that informed resolution A. It goes on to examine the position as per the committee report and the impact the change would have on this. Finally it concludes whether this change is material to the resolution or not.

<b>1. Principle of development</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<p><u>Adoption of the Core Strategy</u><sup>1</sup> which introduced new policies that superseded some of the saved policies within the Local Plan<sup>2</sup></p> <p>In terms of development principle Policy ST/1 which dealt with overall strategy was superseded by core strategy policy CS1 which defined a new development strategy. The Core Strategy also introduced policy CS22 which specifically allocated the West of Loughborough SUE for development</p>	<p>Within the Committee report it is concluded that the proposal meets all saved local plan policies other than ST/1, ST/2, CT/1 CT/2 and CT/3. The weight that is given to these Local Plan policies is reduced due to the lack of a 5 year land supply and due to the emerging Core Strategy which is given significant weight as a material consideration. The issue of prematurity is also referenced and a conclusion that the proposal is acceptable in its own right and supported by an advanced plan is reached.</p>	<p>The adoption of the Core Strategy removes policy ST/1 and reduces the weight to be ascribed to the remaining saved local plan policies for this particular site by virtue of the adoption of CS22. The proposal remains outside limits to development as per the Local Plan but the adoption of policy CS22 which allocates the site for development in effect supersedes this policy for the site. This lends more policy support to the principle of the development. Adoption also renders issues of prematurity obsolete.</p>	<p>This change is not material as it is supportive in nature and confirms the conclusion reached by the committee</p>
<p><u>Housing Land Supply figures</u></p> <p>The most recent figures are for March 2017. These are broadly similar to those estimated at August 2015 which were used in the Committee report. The March figure shows a housing land supply figure of 4.68 and this figure was 4.77 in August 2015.</p>	<p>The committee report provided a factual table of housing land supply figures. Changes to these figures are inconsequential.</p>	<p>These small changes to the figures are of no significance to the overall conclusion that there is a shortfall in housing land.</p>	<p>No material Change</p>

<sup>1</sup> Charnwood Local Plan 2006 to 2028 Final Core Strategy September 2015

<sup>2</sup> Borough of Charnwood Local Plan 1991 – 2006 Adopted January 2004



1. Principle of development			
Change	Base Position	Impact	Conclusion
<p><u>The Publication of HEDNA<sup>3</sup></u>  This assessment updates and replaces the Strategic Housing Market Assessment (SHMA 2014) and Leicester &amp; Leicestershire Employment Land Study (2013). It introduces new targets for housing and employment development. For Housing it increases OAN to 994 per annum from 820. For employment it shows employment land needs to be 45 – 92 Ha of land between 2011 and 2031. The Core strategy assumes 75 hectares between 2011 and 2028.</p>	<p>The Committee Report uses the SHMA generated figure of 820 homes per annum as a basis to assess housing land supply. It is silent with regard to targets for the provision of employment land.</p>	<p>The SHMA generated figure is now reflected in the Adopted Core strategy as the annual housing requirement and has been used as the basis for the March 2017 Housing Land supply figures meaning there is no change in this respect.  The increase in the number of homes needed increases evidence of need for the housing development which lends further support to the principle of the development. In terms of employment there is no change as the existing figure is within the range given.</p>	<p>With regard to housing the change is not material as it is supportive in nature and confirms the conclusion reached by the committee  With regard to employment land there is no material change that requires this to be highlighted to committee as a new issue.</p>
<p><u>Recent Caselaw<sup>4</sup></u>  Defines the correct approach to what constitutes a policy for the supply of housing and the interpretation of paragraph 14 of the Framework where policies are “out of date”.</p>	<p>The Committee Report concludes that a shortfall in housing land supply renders policies for the supply of housing to be out of date. It uses this as a justification to reduce weight to existing Local Plan policies but does not examine all relevant policies, (including CS22), and does not form any judgement beyond policies being out of date and therefore effectively set aside.</p>	<p>Core Strategy policies CS1 and CS22 are relevant policies for the supply of housing when the Suffolk Coastal narrow interpretation is used. Given the lack of a 5 year land supply both of these policies are out of date. However, as per Suffolk Coastal, an assessment remains to be made as to the weight that should be given to them. In this instance they are both policies which have been recently adopted and are within a current timeframe. Both are compliant with the Framework and both seek to provide a 5 year supply of housing land. Policy CS22 in particular provides for a significant amount of the Borough’s housing growth and underpins the housing strategy in the plan.  Local Plan policies ST/2 and CT/1 are also saved policies and must be subject to the</p>	<p>Although the process has changed this change is not material as it is supportive in nature and confirms the conclusion reached by the committee.</p>

<sup>3</sup> Leicester and Leicestershire Housing and Employment Development Needs January 2017

<sup>4</sup> Suffolk Coastal District Council V Hopkins Homes Ltd and Richborough Estates Partnership LLP V Cheshire East Borough Council [2017]

1. Principle of development			
Change	Base Position	Impact	Conclusion
		same tests. They are not recent policies and do not operate within a current timeframe. They are largely compliant with the Framework but their role, in isolation, does not serve to address the 5 year land supply shortfall. Additionally they cannot operate alongside policy CS22 with regard to the site and this more recent policy must, within these parameters, have greater weight.	
<p><u>Recent Caselaw</u><sup>5</sup>            Defines the approach to be taken to the “presumption in favour of sustainable development” set out in paragraph 14 of the Framework. It clarifies that there is no freestanding test that operates outside of paragraph 14.</p>	<p>The Committee Report states that the need to boost housing supply should be considered as a positive in the context of the presumption in favour of sustainable development. It also makes a detailed assessment of whether the development is sustainable using the headings within the Framework and concludes that it is. Both these points are weighed in a final balance as positives of the scheme.</p>	<p>As set out above policy CS22 remains of significant weight despite not being up to date. As a development plan policy which can be afforded significant weight the application needs to be determined in accordance with it, as per (S38 (6)). In this instance there is no need to assess whether harm outweighs benefit as a separate test to conclude on basic principle. Policy CS22, (which has already been subject to this test as part of the plan making process), supports the development. The balance must be between compliance with CS22 and the other Development Plan policies that retain full weight.</p>	<p>Although the emphasis and process has changed this change is supportive and not material.</p>
<p><u>Publication of Government Response to Housing white Paper and Draft National Planning Policy Framework</u>            These two publications work in tandem as the white paper response informs</p>	<p>Changes to case law implications are discussed above. The report is silent on planning history. The merits of smaller sites are not directly discussed although there is strong</p>	<p>Whilst the Draft Framework is not yet a material consideration, the White Paper response sets out clearly how the Government intends to respond to comments made on the draft. As a result it</p>	<p>This change is not material as it is supportive in nature and confirms the conclusion reached</p>

<sup>5</sup> Trustees of the Barker Mill Estates V Test Valley Borough Council and SSLG [2016] and Barwood Strategic Land V East Staffordshire Borough Council and SSLG [2017]

<b>1. Principle of development</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
changes incorporated within the draft Framework. These include; planning history and non-delivery on a site as a material consideration, changes to [now] paragraph 14 to reflect recent case law and emphasis on the contribution from smaller sites alongside support for new settlements and significant extensions to towns.	emphasis on the ability of a site of this size to deliver necessary infrastructure in a comprehensively planned way.	has more weight. There is no planning history relating to the site that suggests the proposal cannot be delivered and it remains material that a site of this size offers the benefit of comprehensive infrastructure delivery	by the committee
<u>Government Response to Planning for the Right Homes in the Right Places consultation March 2018</u> This document introduces the concept of a standard methodology for calculating housing need.	The committee report was informed by previous methodologies for assessing need.	Once the new methodology is used it will increase evidence of need. It is currently estimated that the figure for Charnwood will rise to approximately 1,045 which is higher than both the committee report SHMAA figure and that revised by HEDNA.	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee

<b>2. Landscape and Visual Character</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<u>Adoption of the Core Strategy</u> which introduced new policies that superseded some of the saved policies within the Local Plan In terms of landscape Policy EV/20 was superseded by policy CS2 and the Core Strategy also introduced policies CS11 and CS12 along with policy CS22 which dealt specifically with the West of Loughborough SUE. Policies CT/1, CT/2, CT/2 and EV/1 remain as saved local plan policies.	The committee report made a visual assessment of each parcel of land and concluded that only two phases, (1A and 3B), would be prominent and that this would only be until mitigation planting matured. Compliance with CS2, CS11 and CS12 was concluded along with saved policies EV/1 and EV/20.  It went on to examine the visual impact of the strategic link road and concluded that the benefits of this outweighed any harm.  Finally the impact of the proposal on	The adoption of the Core Strategy removes policy CT/3 and reduces the weight to be ascribed to the remaining saved local plan policies for this particular site by virtue of the adoption of CS22. This lends more policy support to the principle of the development.	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee

<b>2. Landscape and Visual Character</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
	<p>the Green Wedge defined by policy CT/3 was examined with the conclusion that an adequate degree of separation would remain due to a residual buffer of countryside and the topography.</p> <p>Overall compliance with CS2, CS11 and CS12 was concluded along with saved policies EV/1 and EV/20. Conflict with policies CT/1, CT/2 and CT/3 was held to be of limited weight due to the emerging Core Strategy and the lack of a 5 year housing land supply.</p>		

<b>3. The Impact on The Highway Network and Safety</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<p><u>Adoption of the Core Strategy</u> Introduced new policies that superseded some of the saved policies within the Local Plan In terms of transport, the majority of the Transport policies were superseded by policies CS17, CS18 and CS22</p>	<p>The Committee report concluded that weight should be given to policies CS17, CS18 and CS22 and considered the proposal to comply with these. No discussion of the previous local plan policies was included.</p>	<p>The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies.</p>	<p>This change is not material as it is supportive in nature and confirms the conclusion reached by the committee</p>

<b>4. The Impact of the Proposal on Flood Risk</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<p><u>Adoption of the Core Strategy</u> Introduced new policies that superseded some of the saved policies within the Local Plan. In this case no Local Plan policies relating to flood risk were saved. In terms of flood risk, it introduced policy</p>	<p>The Committee Report notes that a sequential flood risk assessment has been carried out both in allocating the site within the Core strategy and, using the same evidence base, with regard to the application. Compliance with emerging CS16 and CS22 is</p>	<p>The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies.</p>	<p>This change is not material as it is supportive in nature and confirms the conclusion reached by the committee</p>

CS16 which seeks to reduce flood risk and reflects the advice in the Framework. It also introduced policy CS22 which sets out the same principles for the site.	concluded.		
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<b>5. The effects of the Proposal on Heritage Assets</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<u>Adoption of the Core Strategy</u> Introduced new policies that superseded some of the saved policies within the Local Plan. Policies EV/2, EV/8 and EV/9 were saved Local Plan policies dealing with archaeology, historic buildings and historic parks and gardens. These policies were superseded by policy CS14	The Committee report recognises the significance of the registered park and garden and the listed buildings and the scheduled monument that lie within it. The archaeological value of the site is also acknowledged. Compliance with policies CS22 and CS14 was agreed along with an assessment against the tests in the Framework.	The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies.	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee
<u>Clarification of caselaw reflected in the Draft National Planning Policy Framework</u> Revisions proposed to the NPPF, (para 189), clarify that there is a need to demonstrably give “considerable importance and weight” to the desirability of preserving heritage assets and to refer expressly to the advice in both the first part of paragraph 132, and 134, of the NPPF in cases where less than substantial harm to heritage assets has been identified.	The committee report recognises the weight that should be given to the preservation of heritage assets and references both paragraphs 132 and 134.	The correct approach was followed within the committee report	There has been no material change
<u>Further deterioration of the buildings at risk</u> 18 months has passed since the committee resolution and although there has been no updated survey of the “at risk” assets it is possible that the	The committee report recognises the value of restoring the buildings that are at risk along with opening up access to the park and garden. This is seen as a public benefit that weighs against the less than	Further deterioration of the buildings puts them at greater risk and makes restoration of them more urgent. This lends support to the value of their restoration as a public benefit.	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee

5. The effects of the Proposal on Heritage Assets			
Change	Base Position	Impact	Conclusion
condition of them has deteriorated.	substantial harm caused to the assets.		

6. Ecology			
Change	Base Position	Impact	Conclusion
<u>Adoption of the Core Strategy</u> Introduced policy CS13 which superseded saved policies EV/22 and EV/23 of the Local Plan.	The report concluded that the proposals complied with emerging policy CS13.	The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies.	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee
<u>Changes may have occurred on the ground since the ecological surveys were carried out</u> Good practice guidelines suggest most ecological survey work should have an optimum timeframe.	The Committee Report is based on ecological surveys which were submitted with the application to establish an ecological baseline and appropriate mitigation measures. The report concludes that the survey work and mitigation measures are appropriate and would ensure no harm to ecology would occur.	The survey dates in the submitted Environmental Statement are noted. The Council's ecologist has reconsidered the evidence and taken the view that there is no current need to update the existing survey work because the scope of the evidence and the current status of the site, mean that significant change is unlikely.  Due to the build time for the project it is important that survey work and associated mitigation measures are updated on a rolling programme to reflect changing conditions on the ground. It is suggested that a condition requiring a rolling programme of updates is added and this is set out in section 3 below..	There is no current material change on the ground that would alter the conclusion that ecological harm can be mitigated against. Providing this is kept under timely review during the build process this situation will remain unchanged.
<u>Introduction of 2017 Conservation of Habitat and Species Regulations</u> These consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and	The Committee Report concludes that a licence is possibly needed for works affecting badgers, bats and otters. Under the 2010 regulations the decision taker is obliged to consider whether this is likely to be forthcoming and the view taken in the report is that it would be. .	It remains for the decision maker to consider the likelihood of a licence being granted prior to granting planning permission. If a licence would not be granted planning permission should not either.  The tests for grant of a licence within the	There has been no material change that would alter the conclusions of the report.

### 6. Ecology

Change	Base Position	Impact	Conclusion
flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales		2017 regulations remain the same as they were in the 2010 regulations.	

### 7. Residential Amenity

Change	Base Position	Impact	Conclusion
<p><u>Adoption of the Core Strategy</u> Introduced new policies that superseded some of the saved policies within the Local Plan In terms of amenity, the Core Strategy introduced policy CS2 which contains similar provisions to saved policy EV/1. Both these policies remain part of the Development Plan.</p>	The committee report concludes that the proposal would not be harmful to residential amenity and that it complies with these two policies.	The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies.	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee

### 8.Design

Change	Base Position	Impact	Conclusion
<p><u>Adoption of the Core Strategy</u> Introduced new policies that superseded some of the saved policies within the Local Plan In terms of design, the Core Strategy introduced policy CS2 which contains similar provisions to saved policy EV/1. It replaced policies H/9 and H/10 with policy CS5. Both these policies remain part of the Development Plan. Policy CS22 which specifically deals with the West of Loughborough was also introduced.</p>	The committee report examines design of the proposal with regard to density, amenity, integration of the traveller and showman's sites, open space and the criteria in Build for Life. It concludes that the proposal complies with policies CS2, CS5 and CS22.	The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies.	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee
<p><u>Publication of Government Response to Housing white Paper and Draft National Planning Policy Framework</u> Both these documents give additional</p>	The Committee Report states that the development has an average density of over 30 dph, (31.6), and this is considered to be acceptable.	There are currently no Development Plan policies relating to defined densities as this is not yet a requirement. There is, however, a need expressed in policies CS2	There is no material change that would alter the judgements with regard to

<b>8.Design</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
weight to the need to make efficient use of land. This is subject to a number of factors including the need to maintain the areas prevailing character. Where there is an existing or anticipated shortage of housing land there is an expectation that minimum density standards are set in plans for town centres and other areas well served by public transport.	The report responds to Parameters Plan C which shows how densities will be arranged across the site to respond to area characteristics.	and EV/1 to assess the impact of a proposal on the character of the area which is also reflected within the White Paper response and Draft Framework. The Committee report and Parameter Plan follow this approach.	density.
<u>Changes to budgets affecting footpath and cycleway routes</u> It is possible that budget priorities have changed with regard to provision, maintenance and finishing of some of the footpath and cycle way links into the scheme, namely those outside the site that link to the existing network.	The Committee Report emphasises the importance of opening up links into the surrounding area and the design has evolved to include Parameters Plan D which sets these routes.	The network is included on the approved Parameter Plan and forms part of the outline permission. Any alterations to this would need to be considered by way of a variation of condition. Many of the external link sections are existing routes but there is small section between Booth Wood Drive and the site that is not currently in situ. It will remain a priority to seek to achieve this link but if funding precludes this there is an alternative, (albeit less satisfactory), link off Ashby Road. Whilst declining budgets increase the risk of this not being achieved there were no guarantees at the time of the resolution and the route is not shown on parameters plan D.	There is no material change that would alter the judgements with regard to connectivity.

<b>9. Open spaces and Green Infrastructure</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<u>Adoption of the Core Strategy</u> This superseded saved policies RT/3, RT/4, RT/5 and RT/12 with policies CS15 and CS22.	The Committee report concludes that open space is to be provided at a rate in excess of policy CS15 and CS22 and views this as a benefit to be weighed in the planning balance.	The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies.	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee



<b>10. Geology and Minerals</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<p><u>New Emerging Minerals and Waste Local Plan</u>            In July 2016 the County Council published and invited comments on the Pre-Submission Draft Minerals and Waste Local Plan. The County Council has now submitted the Leicestershire Minerals and Waste Local Plan to the Secretary of State, and Planning Inspectors have been appointed to conduct its independent examination. Policy MCS10 is superseded by draft policies M11 and M12 and policy MDC8 by MCDH11.</p>	<p>The committee report concludes that the proposal complies with the Leicestershire Minerals Core Strategy and Development Control Document. In particular it finds the proposal to accord with policies MCS10 and MCD8.</p>	<p>Whilst this remains emerging policy the document continues to safeguard mineral resources and identifies areas close to the site as being sand and gravel and igneous rock consultation areas. There is no material shift in policy indicated in the emerging draft.</p>	<p>There is no material change that would alter the judgements with regard to density.</p>

<b>11 Retail</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<p><u>Adoption of the Core Strategy</u>            This introduced policy CS9 which set out a sequential approach to retail in existing centres across the borough and policy CS22 made provision for a new local centre with a retail element.</p>	<p>The Committee Report states that the proposal is in accordance with policy CS9 as a sequential assessment of whether there are other suitable local centres that could provide for the development has been made. It also points out that a RIA considering other centres indicated no significant adverse impacts to nearby centres or investment in them. This also led to a conclusion that the proposal met with policy CS9. Compliance with CS22 was not highlighted with regard to retail.</p>	<p>The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies. Additionally compliance with the now adopted CS22 lends further weight.</p>	<p>This change is not material as it is supportive in nature and confirms the conclusion reached by the committee</p>

<b>12 Agricultural Resources</b>			
<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<p><u>Adoption of the Core Strategy</u></p>	<p>The Committee Report recognises</p>	<p>Policy CS16 is positively worded and</p>	<p>This change is not</p>

12 Agricultural Resources			
Change	Base Position	Impact	Conclusion
This introduced policy CS16 which superseded policy ST/1.	that 51% of the site is grade 3a or 2 in terms of agricultural value and that this would be a substantial adverse impact. However, due to the mix of grades across individual fields this impact is reduced to a moderate one and compliance with ST/1 and CS16 is asserted.	supports development that protects environmental resources including agricultural land. Whilst it does not support the development in terms of this criterion it does not preclude it. The adoption of the Core Strategy lends weight to this policy and in this respect does not alter the judgement made within the report.	material as it is supportive in nature and confirms the conclusion reached by the committee

13. Provision of Housing to meet Local Need			
Change	Base Position	Impact	Conclusion
<u>Adoption of the Core Strategy</u> This introduced policy CS3 which superseded saved policy H/5 and introduced considerations relating to type and size of home alongside tenure. This policy also seeks 30% affordable housing for the sustainable urban extensions having regard to market conditions, economic viability and other infrastructure requirements. Policy CS22 repeats the desire to seek a 30% threshold in line with policy CS3.	The Committee report establishes that 25% of the homes provided are affordable and acknowledges that this is below the target in emerging policy CS3. It explains that this is to facilitate a mix that more closely aligns with the Councils Housing strategy in terms of type and size of dwelling. The proposal was considered to comply with policy CS3.	Policy CS3 is now an adopted policy and any noncompliance with it therefore has increased weight. However, policy CS3 requires regard to be had to market conditions, economic viability, other infrastructure requirements, housing needs and the character of the area alongside the guide threshold. The assessment in the committee report effectively did this as it examined housing need, market conditions and viability to conclude a reduced % of affordable homes was acceptable. The adoption of CS3 lends weight to this aspect of the consideration.	The adoption of policy CS3 lends weight to the balanced approach taken within the Committee report. This change is not material as it is supportive in nature and confirms the conclusion reached by the committee
<u>Adoption of the Leicester and Leicestershire Housing &amp; Employment Development Needs Assessment (HEDNA) January 2017</u> The assessment updates and replaces the Strategic Housing Market Assessment (SHMA 2014) and Leicester. For market housing it changes the suggested mix as follows:	With regard to <b>market housing</b> the Committee report concludes that the proposal is capable of providing an appropriate mix of size of home.  With regard to <b>affordable housing</b> it concludes that the size, mix and tenure of affordable homes based on the proposed mix within the SHMA and other local factors is acceptable. The difference between the proposed	With regard to <b>market housing</b> the HEDNA report is not considered to affect the planning balance given that details of mix, type, tenure and range have been reserved and will be dealt with at the detailed design stage.  With regards to <b>Affordable Housing</b> the proposed split is closer to the newly identified need set out within the HEDNA than the previously considered SHMAA. It	This change is not material as it is supportive in nature and confirms the conclusion reached by the committee

**13. Provision of Housing to meet Local Need**

Change			Base Position	Impact	Conclusion												
<b>Size</b>	<b>SHMAA</b>	<b>HEDNA</b>	tenure mix and the SHMAA was considered at committee and accepted as part of an overall Affordable Housing package which included extra care units.	is recognised that the 1 and 2 bed homes are slightly over provided and the 4 bed affordable homes are under provided, but this was also the case with the SHMAA due to the provision of Extra Care provision within the affordable housing mix. The extent to which the affordable housing mix is outside the figures identified within HEDNA is very modest.													
1 bed	5-10%	0-10%															
2 bed	30-35%	25-35%															
3 bed	40-45%	45-55%															
4 + bed	15-20%	10-20%															
<p>For affordable housing it changes the mix as follows:</p> <table border="1"> <thead> <tr> <th>Size</th> <th>SHMAA</th> <th>HEDNA</th> </tr> </thead> <tbody> <tr> <td>1 and 2 bed</td> <td>35-40% 1 bedroom 30-35% 2 bedroom</td> <td>60-70%</td> </tr> <tr> <td>3 bed</td> <td>20-25%</td> <td>25-30%</td> </tr> <tr> <td>4+ bed</td> <td>5-10%</td> <td>5-10%</td> </tr> </tbody> </table>			Size	SHMAA	HEDNA	1 and 2 bed	35-40% 1 bedroom 30-35% 2 bedroom	60-70%	3 bed	20-25%	25-30%	4+ bed	5-10%	5-10%			
Size	SHMAA	HEDNA															
1 and 2 bed	35-40% 1 bedroom 30-35% 2 bedroom	60-70%															
3 bed	20-25%	25-30%															
4+ bed	5-10%	5-10%															
<p><u>The Adoption of the Council's SPD relating to housing</u> This document published in May 2017</p>			<p>With regard to <b>market housing</b> the Committee report concludes that the proposal is capable of providing an</p>	<p>Given that given that details of mix, type, tenure and range have been reserved and will be dealt with at the detailed design</p>	<p>This change is not material as it is supportive in nature</p>												

### 13. Provision of Housing to meet Local Need

Change	Base Position	Impact	Conclusion
<p>supplements policy CS3 and gives advice relating to affordable housing and housing mix. The scope of the advice it gives regarding mix was recently reduced following a decision handed out by the High Court in November 2017. It supports an affordable housing tenure mix of 77% social or affordable rent and 23% shared ownership and sets out design parameters for affordable housing. The SPD lends support to an appropriate mix and in particular lifetime homes and extra care.</p>	<p>appropriate mix of size of home.</p> <p>With regard to <b>affordable housing</b> it concludes that the size, mix and tenure of affordable homes based on the proposed mix within the SHMA and other local factors is acceptable. This includes an affordable tenure split of 75/25 which varies from the SHMAA supported 80/20.</p> <p>As design is a reserved matter there is no assessment made as to how well the affordable elements are laid out and designed.</p>	<p>stage the document does not alter the considerations relating to <b>market housing</b>.</p> <p>With regards to <b>Affordable Housing</b> the proposed tenure split is closer to the newly identified need set out within the HEDNA and SPD than the previously considered SHMAA. The SPD lends support to the provision of the extra care units.</p>	<p>and confirms the conclusion reached by the committee</p>
<p><u>Publication of Government Response to Housing White Paper and Draft National Planning Policy Framework</u> This indicates that it is intended to introduce a new definition of affordable housing into the new Framework. This is likely to include a definition of private rented housing.</p>	<p>The committee report is based on the definition of affordable housing within the current Framework. This remains the basis for decisions at this current time.</p>	<p>There is currently no impact as the definition has not yet been revised. Its introduction during the course of delivery of the proposal will allow greater flexibility in terms of the way that affordable homes are provided.</p>	<p>This is not yet a material change as yet. Once it has been introduced it will not undermine the principle of providing affordable housing that informs the decision but it may alter the format that it is provided in.</p>

### 14. East Midlands Airport and Bird Strike

Change	Base Position	Impact	Conclusion
<p>No Change</p>	<p>The Committee Report concludes that suitable management of drainage features and open space can be secured by way of management plans secured by condition.</p>	<p>None</p>	<p>There are no known changes with regard to this consideration that would impact on the conclusion within the Committee Report.</p>

**15. Community Infrastructure and Services**

<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<p><u>Adoption of the Core Strategy</u> This introduced policy CS24 which seeks to deliver essential infrastructure and manage the impacts of development on existing infrastructure. This superseded saved policy ST/3. Policy CS22 which contained specific infrastructural requirements for the development was also introduced.</p>	<p>The Committee Report sets out those infrastructure requests that are considered to meet with the 2010 CIL Regulations. It concludes That these are CIL compliant which would include the proviso that they are necessary to make the proposal acceptable in planning terms ie comply with policies CS22 and CS24.</p>	<p>The adoption of the Core Strategy lends weight to this assessment as the Core strategy policies are all adopted Development Plan policies.</p>	<p>This change is not material as it is supportive in nature and confirms the conclusion reached by the committee</p>

**16. Other Issues**

<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
<p><u>Adoption of the Core Strategy</u> This introduced policy CS22 which sets out levels of employment land for the site.</p>	<p>The Committee Report responds to comments received regarding viability, loss of informal recreation, level of employment provision and failure to consider public opinion. It concludes the proposal is viable, that public access to recreation would be improved and that public opinion was correctly considered in accordance with the Town and Country Planning Development Management Procedure, (DMPO).</p>	<p>The adoption of the Core Strategy lends weight to this assessment as Core strategy policy CS22 is now an adopted Development Plan policy.</p> <p>It does not impact on the other three matters.</p>	<p>This change is not material as it is supportive in nature and confirms the conclusion reached by the committee</p>
<p><u>Slippage in the predicted phasing of delivery</u> The proposal has not been delivered at the rate anticipated within the committee report.</p>	<p>The Committee Report concludes that the site can be delivered in an appropriately phased manner and that triggers set out within the conditions and 106 can be used to secure this and ensure that key infrastructure is provided. The report concludes that there is no evidence that the proposal will not be delivered</p>	<p>There is slippage of approximately two years in the rate at which the housing, which serves to trigger other uses, will be delivered. Overall this marks a delay in the start of the project but this does not mean that the planned housing will not ultimately be provided or that the supporting infrastructure will not be put into place at the right time. The proposal continues to</p>	<p>This change is not material as it remains the case that there is no reason to doubt the scheme will be delivered and a significant contribution to the Borough's housing</p>

**16. Other Issues**

<b>Change</b>	<b>Base Position</b>	<b>Impact</b>	<b>Conclusion</b>
	as envisaged.	make an important contribution to housing land within the Borough and there is no evidence that it will not be delivered albeit at a later start date.	supply made.

## APPENDIX B – Section 106 Legal Agreement

This appendix lists the heads of terms from the committee report that informed resolution B. It highlights where there have been changes to these provisions. Boxes 1-3 show some of the further detail that sits within these provisions.

EDUCATION	
Provision	Change
<b>Primary School North</b> – To construct a 1.5 form entry school and provide an area for expansion for other developments’ needs or provide a payment of £4.96M for construction of the school	The section 106 includes an obligation to construct a 1.66 Form of Entry school (primary school north) as opposed to 1.55 Form of Entry. This amendment is a correction to the original committee report at the request of Leicestershire County Council. Separately, the precise contribution in respect of Primary School South is £5,350,000 rather than £5.3M. following more detailed costing by Leicestershire County Council
<b>Primary School South</b> – to construct a 2 Form Entry school or provide a payment of £5.3M for construction of the school.	
<b>Temporary primary School contribution</b> - for transitional arrangement prior to first school opening of £94,920	None
A maximum contribution of £9,655,720.70 for the provision of <b>secondary education</b> , with education contributions reviewed at each reserved matters stage	None

HIGHWAY	
Provision	Change
Junction improvements to A6/Bishop Meadow Road (£125,000) & A512 Epinal Way (£150,000)	None
Bus Stop contribution of £15,896	None
Off site cycleway/footpath – up to £912,555.76 plus maintenance contribution if required	None
Off site footpath contribution of up to £1,955.91	None
Travel Pass contribution of £416,000	The County Council has agreed that, in lieu of a contribution, travel passes will be provided by the owners/developers to the first occupants of each dwelling where a travel pass application form has been completed by such occupants within 6 months of first occupation of each dwelling in each phase. Subsequent development on the next phase cannot commence until written confirmation has been received that travel passes have been supplied to those that have applied for them in the preceding phase.
Travel Plan Monitoring £11,337.50	None
Travel Packs contribution of £52.85 per dwelling	None

<b>LIBRARY</b>	
<b>Provision</b>	<b>Change</b>
Reconfiguration of public space at Loughborough Library £9,750	None
Reconfiguration of public space at Shepshed Library £8,450	None
Extension to Hathern Library £28,070	None
The availability of public access PCs at Shepshed and Hathern Library £11,620	None
Additional Audio Visual and Homework Support Material at Loughborough, Shepshed and Hathern Library £38,681	None

<b>HEALTH</b>	
<b>Provision</b>	<b>Change</b>
An option of payment of maximum £1,606,809.60 for health needs or the provision of an on-site health facility – Health care needs to be reviewed at every 250 dwellings occupied. Contribution towards costs of additional premises to serve the development to be agreed with NHS England, where the Head of Planning & Regeneration and the Head of Strategic Support are satisfied that the contribution meets the requirements of the CIL Regulations.	None

<b>CIVIC AMENITY</b>	
<b>Provision</b>	<b>Change</b>
A contribution of £135,000 will be made to fund the installation of 3 new waste compaction units and the purchase of 12 new waste containers at Shepshed Civic Amenity Site (Project ref. SHEP006)	None

<b>POLICING</b>	
<b>Provision</b>	<b>Change</b>
Start up equipment £152,854	None
Vehicles £90,176	None
Additional radio call capacity £7,200	None
PND additions £4,640	None
Additional call handling £9,824	None
Automatic Number Plate Recognition £24,600	None
Mobile CCTV to serve development £3,000	None



Hub equipment £6,400	None
Police Premises: Contribution towards costs of additional premises to serve the development to be agreed with the Police and specified in the section 106 agreement where the Head of Planning & Regeneration and the Head of Strategic Support are satisfied that the contribution meets the requirements of the CIL Regulations. Such premises contribution to be capped to an overall total of £1,017,016	None

COMMUNITY FACILITIES	
Provision	Change
Sports Hall which will incorporate the Community Hall through ancillary building / facilities to the Sports Hall	None

AFFORDABLE HOUSING	
Provision	Change
25% of the total number of dwellings as affordable homes, approximately 800 of the 3,200 homes	Additional challenges for Registered Providers since resolution B have meant that their ability to manage new affordable housing provision based on existing business plans has been reduced. This is something that has affected Registered Providers across the country. To address this, in common with many section 106 agreements, the detailed drafting now includes an 'Affordable Housing Cascade' mechanism to enable the Council to respond to any issues in securing a Registered Provider to take the Affordable Housing on. The mechanism for the cascade is set out in <b>BOX1</b> below
75% as homes for affordable rent with 25% as "intermediate homes" (shared ownership)	

GYPSY & TRAVELLING SHOWPERSONS	
Provision	Change
4 pitches for Permanent <b>Gypsy and Traveller</b> sites	None
4 Pitches for <b>Show people</b>	None

LOCAL CENTRE	
Provision	Change
Delivery of the Local Centre prior to 1,201 dwellings	The delivery of the Local Centre will be prior to 1,800 dwellings being occupied, not 1,201 dwellings as previously reported. This amendment is a correction to the original committee report as the link road is not required until

	1,201 dwellings and the local centre will be accessed off this link road. The committee report placed the Local Centre within Phase 2B and gave an indicative programming for that phase as starting after the first 1,720 homes had been provided. A 1,800 threshold does therefore correspond to the proposals in the report. The 1,800 trigger may be extended under the agreement where, despite marketing the site in accordance with an approved strategy, no occupiers have been secured.
Prior to its delivery and the submission of reserved matters for the local centre a strategy for the delivery of the retail and non-retail uses within the local centre shall be submitted and agreed in writing with the local planning authority	None

GREEN INFRASTRUCTURE	
Provision	Change
<b>Contribution towards the off-site play area</b> south of Pear Tree Lane of £189,636	None
Strategic Open Space, Green Infrastructure, landscaping (including restorative landscaping) and formal sports and recreation facilities to be delivered in accordance with a <b>phased programme</b> to be agreed. In terms of long-term maintenance and stewardship of the Green Infrastructure, it is proposed that this will be secured and implemented through a Management Company	None
A <b>Recreational Strategy</b> for the management and maintenance of the Green Infrastructure proposals shall be submitted and agreed. This is to cover the matters listed in <b>BOX 2</b> below	The scope of the recreational strategy, as set out in the resolution, has, in effect been duplicated. The areas it referenced are now embodied in the following places – conditions 4, 9, 10, 11, 14, 26, 34, 36, 39, 40 and schedules 5 and 7 of the 106. To avoid unnecessary repetition the requirement for a recreational strategy is no longer set out in the provisions of the Section 106 Legal Agreement.
A <b>Community facilities strategy</b> for detailed management proposals for the indoor sport and community facilities. This is to cover the matters listed in <b>BOX 3</b> below	None
<b>Restoration of the heritage assets</b> within Garendon Park, including an agreed programme of implementation and completion for the phased delivery of the agreed restoration of the Registered Park and its associated assets, public access, means of delivery, long term management and maintenance, (property management strategy), and the agreed scope of work required for the Listed Buildings and the Park improvements etc. These details shall be in accordance with an update to the Oxley Report and will subsequently form	None

**GREEN INFRASTRUCTURE**

<b>Provision</b>	<b>Change</b>
appendices to the Section 106 legal agreement.	

**BOX 1 AFFORDABLE HOUSING CASCADE**

To provide certainty regarding the amount of income which could be generated from the Affordable Dwellings a minimum “Affordable Housing Consideration” has been included within the Section 106 agreement. The ‘Affordable Housing Consideration’ is 52% of the Open Market Value of the Affordable Dwellings in a phase or development parcel. Officers have received external specialist valuation advice on this figure which is considered to be reasonable and robust.

If at the end of a 6 month period, (or earlier if agreed), a contract cannot be secured for the transfer of the Affordable Dwellings because Registered Providers and the Council are unwilling to take the Affordable Dwellings, or a contract cannot be secured at the minimum Affordable Housing Consideration, then this will act as a trigger to enter the affordable housing cascade mechanism.

In this event, to ensure that delivery of market housing is not delayed due to the restrictions on occupation until the Affordable Dwellings have been transferred to a Registered Provider, flexibility has been built in to the various trigger points for transfer of the constructed Affordable Dwellings. This is a mechanism whereby the Council can approve revised triggers to allow the applicant to continue with their delivery of the Market Dwellings, provided the applicant demonstrates that it has done everything it reasonably can and is acting proactively in liaising with both the Council and Registered Providers.

In summary, for each phase or development parcel the cascade mechanism provides an opportunity for the applicant and Council to agree an alternative tenure mix or reduction in units to make the package more attractive to a Registered Provider. Where this is not successful the cascade also provides (at the Council’s discretion) a mechanism for the:

- ) transfer of the affordable units to the Council;
- ) the gifting of a reasonable proportion of the units to the Council; or
- ) The provision of a payment to the Council to provide affordable housing in the Borough.

Where the Council does not elect to receive the units or a payment, the cascade allows for the affordable units to be sold on the open market at a discounted level (60% of open market value).

**BOX 2 RECREATIONAL STRATEGY**

- J The vision and mechanisms for the delivery, management and maintenance of public open space, sport and recreational facilities within the development (in accordance with the Design and Access Statement, Green Infrastructure Study, Recreational Facilities Plan and Charnwood Borough Council's adopted quantity, quality and accessibility standards);
- J The restoration of and public access to Garendon Registered Park, including improvements to the existing and creation of a new Rights of Way network and visitor facilities;
- J The delivery of facilities for children and young people in accordance with the Recreational Facilities Plan and subject to agreement on quality and accessibility standards, including:
  - provision to meet the needs of all age categories (Toddler, Junior and Teen) at each of the six play sites identified within the development;
  - a financial contribution to the improvement of off-site facilities at the existing play area/open space South of Pear Tree Lane, Loughborough;
- J The delivery of 22.8 ha of Outdoor Sport provision, to include:
  - a minimum of 9 ha of playing pitches, including tennis courts, with ancillary facilities e.g. changing room, parking;
  - 13.8 ha of informal sport and recreation land within Garendon Park, set out and maintained for community use;
  - All Weather Grass Pitch to agreed specification;
  - Off road cycling facility east of Baileys Plantation;
  - Parkour facility;
  - Outdoor fitness and trim trails at Garendon Common;
  - Permanently marked orienteering course; and
  - a minimum of two multi-games areas within the development;
- J The delivery, management and maintenance of 3 indoor courts within a multi-use sports Hall constructed to agreed minimum standards of Sport England or its equivalent organisation;
- J Securing Open Space, Sport and Recreation facility management in perpetuity, identifying and establishing the role of landowners, partners and stakeholders along with the governance and legal structure of Local Management Organisations (LMO);
- J The rationale and method for selecting LMO Board Members and mechanisms for ensuring their local accountability;
- J A Finances and Resources Plan addressing the lifecycle costs of managing the public open space, sport and recreational facilities, including income, expenditure, cash flow, resources, staffing and budgeting. This Plan should include a sufficiently large asset base and/or system of levies to ensure the aims and objectives of the Public Open Spaces, Sport and Recreation Strategy can be delivered in perpetuity.
- J Mechanisms for the determination of disputes and provision for legally binding Management Agreements supporting the establishment of an LMO and safeguarding of public open space sport and recreational assets for the long term benefit of the local community;
- J Open Space Management Plans identifying all site maintenance operations, habitat management, public access operations and ongoing community engagement and liaison. Minimum standards of land management/maintenance consistent with CBCs Management of Open Spaces (MoS) contract;

- J Sport and Recreational Facility Management Plans, identifying all maintenance operations, lease agreements, hire terms, public access and ongoing community engagement and liaison;
- J Children & Young People's Strategy for the site;
- J A nominated paid or voluntary person, appointed on a full or part time basis, to facilitate activities and engagement with the community throughout all phases of the development;
- J Provision of adequate security in the event of default.

### **BOX 3 COMMUNITY FACILITIES STRATEGY**

- J the number, size and location of proposed community facilities, including community hall, with net internal floor space of no less than 575 square metres;
- J the specifications for construction and fitting out of Community facilities;
- J the proposed Trigger Event for provision;
- J the proposed management arrangements for the community facilities, including terms of hire or lease;
- J the establishment of a Community Hall Management Body;
- J details of a nominated paid or voluntary person, appointed on a full or part time basis, to facilitate activities and engagement with the community and promote Community Facilities, in accordance with the approved Management Arrangements

## APPENDIX C – Conditions

This Appendix lists the conditions as now amended. Significant additional to the text are highlighted in red and significant omissions in blue. Those conditions that are shaded in grey are conditions that have changed.

	Condition As Amended	Change	Reason
1	<p>The development shall commence within five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters, whichever is the later.</p> <p>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.</p>	None	
2	<p>The first application for approval of reserved matters for the first Phase of development (as detailed pursuant to the phasing programme to be approved pursuant to condition 9) shall be submitted no later than three years from the date of this permission and all subsequent reserved matters application shall be submitted by no later than fifteen years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 92 (5) of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>	None	
3	<p>No development shall commence and no development within any sub phase /development parcel (as detailed in the phasing programme to be agreed under condition 9 below) shall commence unless details of the appearance, landscaping, layout , access to and scale <b>together with details of housing mix (including mix, type and tenure)</b> ("the reserved matters ") of the relevant sub phase/ development parcel (as detailed in phasing programme to be agreed under condition 9 below) of development have been submitted to and approved in writing by the local planning authority. The reserved matters detailed shall be in accordance with the approved parameter plans listed in Condition 4</p>	Yes	Reference to housing mix added in line with the Design and Access Statement which reserves this detail.

	Condition As Amended	Change	Reason
	<p>(below). The development shall be carried out in accordance with the approved details.</p> <p>REASON: To comply with the requirements of Section 92 (5) of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>		
4	<p>The development hereby approved shall not be carried out other than in accordance with the following plans and approved documents and provisions therein:</p> <ul style="list-style-type: none"> <li>) Parameters Plan A - Application Boundary FPCR Drawing Reference No. 1005/L/201</li> <li>) Parameters Plan B - Land Use FPCR Drawing Reference No. 1005/L/202 Rev A</li> <li>) Parameters Plan C - Building Heights &amp; Density FPCR Drawing Reference No. 1005/L/203 Rev A</li> <li>) Parameters Plan D - Access FPCR Drawing Reference No. 1005/L/204 Rev C</li> <li>) Parameters Plan E Green Infrastructure FPCR Drawing Reference No. 1005/L/205 Rev A</li> </ul> <p>The development hereby approved shall also not be carried out other than in accordance with the following documents/plans, unless otherwise agreed in writing by the local planning authority:</p> <ul style="list-style-type: none"> <li>) Design and Access Statement August 2014</li> <li>) The Submitted Masterplan (FPCR Drawing Reference No. 1005/L/04 Rev E</li> <li>) Oxley Gutter - Illustrative Cross Sections FPCR Drawing 1005/L/301</li> <li>) Recreational Facilities March 2015</li> <li>) WYG drawing A084018-35-12-100 to 104, 105 Rev A, 106 Rev A and 107 to 109, (or as amended by Road Safety Audit)</li> <li>) FPCR document Securing the Design of West of Loughborough July 2015</li> </ul> <p><b>Notwithstanding the notation on parameter plan C, 1 and 1.5 storey residential bungalows may be constructed</b></p> <p>REASON: For the avoidance of doubt and to ensure the scheme takes</p>	Yes	Parameter Plan C is notated as two storey development but it was not the intention that this would preclude bungalows.

	Condition As Amended	Change	Reason
	the form agreed by the authority and thus results in a satisfactory form of development.		
5	The residential development hereby permitted shall not comprise more than 3,200 dwellings.  REASON: To make sure the development takes the form agreed by the authority and thus results in a satisfactory form of development	None	
6	No more than 16ha gross of B1, B2 and B8 employment land in total shall be provided within the area indicated as 'employment land' on the approved Parameters Plan B - Land Use FPCR Drawing Reference No. 1005/L/202 Rev A.  REASON: To make sure the development takes the form agreed by the authority and thus results in a satisfactory form of development	None	
7	Within the local centre, excluding the supermarket, there shall be no more than 1,000sqm of other A1 retail, A2 financial and professional services, A3 food and drink, B1 business and D1 uses (cumulative total).  REASON: To make sure the development takes the form agreed by the authority and thus results in a satisfactory form of development	None	
8	Within the local centre, the supermarket hereby permitted shall not exceed 2,000sqm (net floor area). No more than 600 square metres of the net floor space within this food store shall be used for the sale and display of comparison goods at any time.  REASON: To make sure the development takes the form agreed by the authority and thus results in a satisfactory form of development, in the interest of sustainability	None	
9	Prior to the submission of the first reserved matters application, a Site Wide Phasing Plan and Programme <b>and Site Wide Housing Mix Strategy</b> shall be submitted and approved in writing by Local Planning Authority. The phasing plan and program shall include a site wide plan illustrating sub- areas (parcel groups or geographical phases) not	Yes	Reference to housing mix added in line with the Design and Access Statement which reserves this detail.



	Condition As Amended	Change	Reason
	<p>exceeding 700 new homes per sub-area. This plan should include details of the proposed sequence of development across the entire site, the extent and location of individual sub-areas / development phases, including reference to the type and extent of any development envisaged in each. The Phasing Plan and Programme shall also include details of:</p> <ul style="list-style-type: none"> <li>i) Development areas (including broad areas, range of residential unit numbers and/or floor space of non-residential uses)</li> <li>ii) Site accesses, major internal infrastructure including internal spine road, pedestrian and cycle crossings, footpaths, cycleways, bridleways.</li> <li>iii) Confirmation of the timescale for the implementation of the off-site highway infrastructure including highway improvements/traffic management measures</li> <li>iv) Submission of a Public Transport Strategy and the delivery of public transport services and accompanying infrastructure within the site and external to the development to include but not be limited to: bus stops (within 400m distance of each dwelling within the development, unless otherwise agreed in writing by the local planning authority); bus shelters, Real Time Information, raised kerbs, lighting and timetable information.</li> <li>v) Green Infrastructure, including informal and formal sports and recreation facilities, allotments etc</li> <li>vi) Timing of provisions related to the development, including employment delivery, delivery of the local centre, community facilities, including schools, and details of the park restoration, community access, restorative planting (including at Garendon Park), and the delivery of the public facilities associated with Garendon Park</li> <li>vii) The delivery of the public car park to serve Garendon Park</li> </ul> <p>The development shall be carried out in accordance with this agreed Phasing Programme.</p> <p><b>The Housing Mix Strategy shall set out the vision and overall percentage ranges of housing type, tenure and size to be delivered across the site as a whole and across each phase or sub phase of the development that includes parcels of housing.</b></p>		

	Condition As Amended	Change	Reason
	<p><b>Reserved matters applications submitted pursuant to condition 3 and development framework plans submitted under condition 10 shall reflect the approved site wide Housing Mix Strategy and development shall be carried out in accordance with the approved site wide housing strategy unless otherwise agreed in writing by the Local Planning Authority.</b></p> <p>REASON: To provide clarification on how the development will be delivered to assist determination of reserved matters and to ensure that necessary infrastructure provision and environmental mitigation is provided in time to address the impact and needs of the development</p>		
10	<p>A 'development framework plan' to a scale of 1:1000, 1:1250 or 1:2500, shall be submitted to and agreed in writing by the local planning authority prior to the submission of the first reserved matters application for each sub area/development parcel as set out in condition 9 . This plan will then serve as the "regulating plan" for any associated design work within that sub area/development parcel.</p> <p>The development framework plan will include the following;</p> <ul style="list-style-type: none"> <li>- Housing and other land use distribution and disposal</li> <li>- Transition Zones</li> <li>- The character, mix of uses and density</li> <li>- Structure of public spaces</li> <li>- Access</li> <li>- Movement corridors (including strategic and principal primary, secondary roads, public transport corridors, pedestrian and cycle routes, greenways etc)</li> <li>- Street hierarchy, including street types and typical street cross-sections,</li> <li>- Block principles to establish use, density and building typology. In addition, design principles including primary frontages, pedestrian access points, front and back and perimeter of building definition</li> <li><b>- Housing mix, type and tenure</b></li> <li>- Key groupings and other key buildings to including information about height, scale, form, level of enclosure, building materials and design features</li> </ul>	Yes	Reference to housing mix added in line with the Design and Access Statement which reserves this detail

	Condition As Amended	Change	Reason
	<ul style="list-style-type: none"> <li>- Green and public open spaces</li> <li>- Key infrastructure (including SuDs, and significant utility provision)</li> <li>- The conceptual design and approach to green open space and the public realm to include hard and soft landscaping, lighting, and public art</li> <li>- Measures to demonstrate how opportunities to maximise resource efficiency and climate change adaption in the design of the development will be achieved through external, passive means, such as landscaping, orientation, massing and external building features</li> <li>- Details of measures to minimise opportunities for crime</li> <li>- Details of the approach to vehicle parking and cycle parking across the sub area</li> </ul> <p>Reserve matters applications shall be submitted in accordance with these approved Development framework plans</p> <p>REASON: To ensure constancy with the Design and Access Statement, to ensure a boundary for each Transition Zone between each Reserve Matters and ensure a satisfactory form of development and in the interest of the character and appearance of the area.</p>		
11	<p><b>In conjunction with the first Reserved Matters application a Children and Young Persons Strategy shall be submitted to and no development shall be commenced unless this has been approved in writing by the Local Planning Authority. The submitted Strategy shall include the following details:</b></p> <ul style="list-style-type: none"> <li>- <b>The location, phasing, timing and distribution of Play and Young Peoples Facilities throughout the Development and the range of activities that these facilities will support;</b></li> <li>- <b>the qualities of the proposed homezones and other opportunities that will provide and encourage informal play;</b></li> <li>- <b>access to facilities &amp; service - covering both indoor and outdoor provision (including access by foot, bicycle and public transport);</b></li> <li>- <b>the role of the Community Development worker in relation to engaging young people, where possible, in the ongoing design process;</b></li> <li>- <b>the role of Management Organisations in relation to the provision</b></li> </ul>	Yes	This is a new condition that covers a matter that was previously referenced in the section 106 Legal agreement.

	Condition As Amended	Change	Reason
	<p><b>for Children and Young people with relevant safeguarding policy;</b>  <b>- the aspects of the layout of the Development that will enable children and young people to travel independently and safely around it; and</b>  <b>- Compliance with other Council strategies relevant to children and young persons.</b>  <b>Reserved Matters applications shall be submitted in accordance with this approved Children and Young Persons Strategy and the development shall not be carried out or occupied other than in accordance with the approved details.</b></p> <p><b>REASON: To ensure a satisfactory and comprehensive form of development, which meets the needs of Children and Young People.</b></p>		
12	<p>Prior to the submission of reserved matters applications for the Local Centre as identified on Parameter Plan B - Land Use FPCR Drawing Ref No. 1005/L/2002 Rev A, a Design Brief shall be submitted to and approved in writing by the local planning authority. The Design Brief shall include the mix and disposition of uses, access and circulation, public realm, parking, layout and urban design principles. The reserved matters application for the Local Centre shall be submitted in accordance with the approved Design Brief.</p> <p>REASON: To ensure consistency with the Design and Access Statement and ensure a satisfactory form of development and in the interests of the character and appearance of the area.</p>	None	
13	<p>Prior to the submission of reserved matters application for the Employment Land as identified on Parameter Plan B - Land Use, FPCR drawing reference No. 1005/L/202 Rev A, a Design Brief shall be submitted to and approved in writing by the local planning authority. The Brief shall include the mix and disposition of uses, access and circulation, public realm, parking, layout, urban design principles, massing and scale. The reserved matters application for this commercial/Employment area shall be submitted in accordance with the approved Design Brief.</p> <p>REASON: To ensure a satisfactory form of development and in the</p>	None	

	<b>Condition As Amended</b>	<b>Change</b>	<b>Reason</b>
	interests of the character and appearance of the area.		
14	<p>In conjunction with the first Reserved Matters applications, a site-wide structural landscaping scheme, in accordance with Parameter Plan E - Green Infrastructure, FPCR drawing reference No. 1005/L/205 Rev A, shall be submitted to and no development shall be carried out unless such scheme has been approved in writing by the local planning authority. This site-wide structural landscaping scheme shall include all existing and proposed structural landscaping and provide sufficient level of detail to allow effective monitoring and management of phased delivery (including implementation proposals for any part of the scheme that will be delivered early to mitigate visual impacts, and/or any part that will be implemented independently of reserved matters submissions for residential and non-residential development). The full landscaping details, including transition zones, shall be included as part of the submission of the reserved matters application, in accordance with condition 3, and shall accord with the agreed site-wide structural landscaping scheme. This approved site-wide structural landscaping scheme shall be implemented as approved in accordance with the Phasing Plan and Programme approved under condition 9.</p> <p>REASON: To ensure a satisfactory form of development and the timely delivery of important structural landscaping.</p>	Yes	This condition has been altered to require details to be submitted in conjunction with the first reserved matters application rather than before. This is to ensure there is no impediment to delivery of the scheme.
15	<p>All details of the proposed development, except for the section of Strategic Link Road within the Registered Park and Garden, shall comply with Leicestershire County Council adopted 6Cs Design Guide or any revision superseding or amending this guidance, unless otherwise agreed in writing by the local planning authority. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the Local Planning Authority before development commences.</p> <p>REASON: To ensure a satisfactory form of development and in the interests of highway safety.</p>	Yes	Minor amendments to make the condition clearer and more precise
16	In accordance with the agreed Site Wide Phasing Plan and Programme	Yes	Minor amendments to make the condition clearer and

	Condition As Amended	Change	Reason
	<p>(agreed under condition 9) and the Framework Travel Plan ref. RT8418-5 dated 06/08/2014, prior to the first occupation of each phase, a Residential Travel Plan, shall be submitted to and agreed in writing by the local planning authority for the relevant phase. The measures approved shall thereafter be provided in accordance with the approved plan.</p> <p>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.</p>		more precise
17	<p>In accordance with the agreed Site Wide Phasing Plan and Programme (agreed under condition 9) and the Framework Travel Plan ref. RT8418-5 dated 06/08/2014, prior to the first occupation of each phase, where relevant, an Employment Travel shall be submitted to and agreed in writing by the local planning authority for the relevant phase. The measures approved shall thereafter be provided in accordance with the approved plan.</p> <p>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.</p>	Yes	Minor amendments to make the condition clearer and more precise
18	<p>Prior to the opening of any school, a School Travel Plan in accordance with the Framework Travel Plan and a Safe Walking Route Plan, shall be submitted to and agreed in writing by the local planning authority for the relevant school. The measures approved shall thereafter be provided in accordance with the approved plans.</p> <p>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,</p>	Yes	Minor amendments to make the condition clearer and more precise

	Condition As Amended	Change	Reason
	improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.		
19	<p>No more than 600 dwellings identified in Phase 1 of the development hereby permitted, shall be occupied unless and until highway improvement works to M1 Junction 23 detailed in WYG Drawing Number A084018/028RevB (or as amended by Road Safety Audit or Detailed Design) are complete and open to traffic.</p> <p>REASON: In the interests of highway safety and to ensure the development is delivered in accordance with the approved scheme.</p>	None	
20	<p>The Strategic Link Road shall be completed and available for use as public highway prior to occupation of the 1,201st dwelling and be completed in accordance with details of which shall first be submitted to and agreed in writing by the local planning authority reflecting the route shown on the submitted Masterplan (FPCR drawing ref; 1005/L/04 Rev E, Parameters plan D (FPCR drawing ref;1005/L/204 Rev C) and be in accordance with the Design Principles set out on paragraph 4.8.11 within the submitted Transport Assessment .</p> <p>REASON: To ensure the development does not result in unacceptable impacts on the highway network and to ensure the public transport can route through the site.</p>	Yes	Minor amendments to make the condition clearer and more precise
21	<p>The roundabout access with the A6 shall be provided in accordance with the details shown on drawing A084018/023/rev B (or as amended by Detailed Design) and shall be completed and available for use as public highway prior to occupation of the first dwelling.</p> <p>REASON: To ensure an acceptable layout in the interests of highway safety</p>	Yes	Minor amendments to make the condition clearer and more precise
22	<p>The roundabout access with the A512 shall be provided in general accordance with the details shown on drawing A084018/039 and shall be completed and available for use as public highway prior to occupation of the 601st dwelling.</p> <p>REASON: To ensure an acceptable layout in the interests of highway safety</p>	Yes	Minor amendments to make the condition clearer and more precise

	<b>Condition As Amended</b>	<b>Change</b>	<b>Reason</b>
23	<p>The duelling of the A512 shall be provided in accordance with the details shown on drawing A084018/28/Rev B, (or as amended by Road Safety Audit or Detailed Design) unless otherwise agreed in writing by the local planning authority, and shall be available for use as public highway prior to occupation of the 841st dwelling.</p> <p>REASON: To ensure the development does not result in unacceptable impact on highway network and to ensure the public transport can route through the site.</p>	Yes	Minor amendments to make the condition clearer and more precise
24	<p>Notwithstanding the detail shown on drawings A084018/038 &amp; A084018/043, as part of any Reserved Matters Application, for the associated phase of development full details of the access on to Hathern Road and associated link road shall be provided for approval by the local planning authority. This access point onto Hathern Road shall be completed in accordance with these approved details and available for use as public highway prior to occupation of the 2040th dwelling.</p> <p>REASON: To ensure an acceptable layout in the interests of highway safety</p>	Yes	Amended by Plans Committee as part of the resolution
25	<p>A Public Transport Strategy shall be submitted to and approved in written by the local planning authority prior to occupation of the first dwelling. This Public Transport Strategy shall be in accordance with the principles set out in the submitted Framework Travel Plan (ref. RT84018-5, 06/08/2014) and shall include full details of the proposed destinations, routes, days and hours of operation, frequency and duration of provision of daily bus service(s) to serve the development and arrangements for the periodic review of the above. The bus service(s) shall be provided thereafter by the developer in accordance with the approved Strategy</p> <p>REASON: To ensure high quality frequent public transport choice for all new residents from early occupation in order to encourage modal shift in accordance with Core Strategy policies CS17 &amp; CS22</p>	Yes	Minor amendments to make the condition clearer and more precise
26	Prior to the occupation of any dwelling details of the pedestrian/cycle	Yes	Minor amendments to make the condition clearer and



	Condition As Amended	Change	Reason
	<p>links between the development and Booth Wood &amp; Ravensthorpe Drive, including implementation timetable, shall have been submitted to and agreed in writing by the local planning authority. The links shall be provided in accordance with the agreed detail.</p> <p>REASON: To ensure that there is adequate permeability from the site to surrounding residential areas to encourage sustainable modes of transport.</p>		more precise
27	<p>No more than 600 dwellings shall be served solely from the A6 site access</p> <p>REASON: In the interests of highway safety and to ensure the development does not lead to unacceptable impacts on the A6 corridor.</p>	None	
28	<p>Prior to the submission of the first reserved matters application a site wide Design Strategy for the provision of Sustainable Drainage Systems (SuDS) for the whole site in accordance with the Flood Risk Assessment, September 2014, reference number: 29231/001, compiled by Peter Brett Associates, shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include site wide design guidance indicating generic technical specifications and an overarching strategy for the implementation, maintenance responsibilities and management of the SuDS scheme including:</p> <ul style="list-style-type: none"> <li>- a description of each SuDS component and its relationship with other SuDS components;</li> <li>- statement on how the SuDS scheme will deal with exceedance and ensure the protection of downstream communities,</li> <li>- demonstrating the SuDS management train and protection of the natural environment</li> <li>- design guidance to cover all elements of the overall SuDS scheme including guidance on limiting bird strike risk where relevant and highlighting the key features where further assessment will be required; and</li> <li>- a management and maintenance plan for the lifetime of the development to secure the effective operation of the SuDS scheme throughout its lifetime</li> </ul>	Yes	Minor amendments to make the condition clearer and more precise

	Condition As Amended	Change	Reason
	<p>Each phase of the SuDS scheme shall be implemented and thereafter managed and maintained in accordance with the approved details of the overarching site wide Design Strategy.</p> <p>REASON: To ensure that the development is provided with a comprehensive and well-designed means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution, protect public safety and protect the activities of East Midlands Airport and to ensure that all phases of the development accord with common standards and design principles</p>		
29	<p>No development shall be commenced within each Phase or sub phase until a detailed Design Strategy / Scheme for the implementation of the Sustainable Drainage System (SuDS) for that Phase or sub phase, including a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the strategic requirements as set out in condition 28 (above) and the Flood Risk Assessment, September 2014, reference number: 29231/001, compiled by Peter Brett Associates and shall include a statement demonstrating how the submitted detailed strategy meets the overall requirement of the overarching Design Strategy, for that particular phase set out in condition 28 (above). The approved scheme shall be implemented in accordance with the approved details before that phase or area of development is first brought into use and the SUDs shall thereafter be managed and maintained in accordance with the approved scheme.</p> <p>REASON: To ensure that the development is provided with a satisfactory means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p>	None	
30	<p>Prior to the commencement of the development of each Phase or sub phase of the development hereby approved, a drainage plan for the disposal of surface water for that Phase or sub-phase shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with these approved details before the development in that phase if first bought into use.</p> <p>REASON: To ensure that the development is provided with a</p>	None	

	Condition As Amended	Change	Reason
	satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.		
31	<p>Prior to the commencement of any Phase or sub phase of the development hereby approved a scheme detailing treatment and removal of suspended solids from surface water run-off during construction works shall be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.</p> <p>REASON: To prevent or minimise the risk of pollution of the Black Brook.</p>	None	
32	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated September 2014, reference number: 29231/001, compiled by Peter Brett Associates, and the following mitigation measures detailed within the FRA:</p> <p>i) There shall be no built development within 8 metres of any watercourse without the prior written consent of the Local Planning Authority;</p> <p>ii) Finished Floor levels should be set at least 300mm above the nearest 1 in 100 years climate change flood level;</p> <p>iii) The vehicular crossing of the Black Brook will have a soffit set no less than 600mm above the 1 in 100 year climate change modelled level, including open span sections across the channel width, with the design and form to be approved by the Local Planning Authority and Environment Agency.</p> <p>iv) A scheme for the provision and implementation of level-for-level floodplain compensation for the vehicular crossing of the Black Brook must be submitted to and agreed in writing by the Environment Agency and Local Planning Authority.</p> <p>A surface water drainage scheme including the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to help maintain or improve water quality; the limitation of surface water run-off to equivalent greenfield rates or at improved rates; the ability to accommodate surface water run-off on-site up to the</p>	Yes	Minor amendments to make the condition clearer and more precise

	Condition As Amended	Change	Reason
	<p>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 has been submitted to, and approved in writing by, the local planning authority. The mitigation measures shall be fully implemented prior to occupation of the first dwelling and subsequently 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.</p> <p>REASON: To prevent an increase in flood risk and loss of habitat within the river corridor; to protect the development from flooding; to ensure safe crossing of the Black Brook; to alleviate the risk of flooding; to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.</p>		
33	<p>No development shall be carried out pursuant to any reserved matters approval until drainage plans and details for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority in respect of the development to which the reserved matters approval relates. The scheme shall be implemented in accordance with the approved details before the development is first bought into use.</p> <p>REASON: To ensure that the development is provided with a satisfactory means of drainage and minimise pollution</p>	Yes	The condition has been altered to require submission of details prior to each reserved matters application rather than prior to all development. The previous wording made the condition unduly onerous and a hindrance to delivery.
34	<p>No development shall commence until a site-wide Green Infrastructure and Biodiversity Management Strategy, has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall cover all Green Infrastructure Elements including Play Facilities, Garendon Historical Park and Gardens, Green Space, Outdoor Sports facilities, allotments, woodlands. The Strategy shall include a vision for delivery, phasing and key triggers for the provision of the Green Infrastructure Elements, public access arrangements and management and maintenance requirements. The Strategy should also be in accordance with the submitted Green Infrastructure Biodiversity Management Plan GIBMP (secured under condition 36 ) and shall conform to British Standard BS 42020:2013 (or any future updates).</p>	Yes	Minor amendments to make the condition clearer and more precise

	Condition As Amended	Change	Reason
	<p>The Strategy shall supplement the GIBMP to include further details on:</p> <ul style="list-style-type: none"> <li>- the retention of existing natural features and habitats;</li> <li>- the protection and enhancement of biodiversity;</li> <li>- the phased implementation of mitigation measures in accordance with the phasing schedule pursuant to condition 9;</li> <li>- the retention of agricultural land;</li> <li>- additional protected species surveys;</li> <li>- site preparation and earth modelling / re-grading;</li> <li>- above ground structures including boundary treatment and outdoor lighting;</li> <li>- management and maintenance of all aspects of Green Infrastructure;</li> <li>- monitoring/environmental audits;</li> <li>- off-site planting.</li> </ul> <p>- aims and Objectives of Management</p> <p>Development work shall be carried out in full accordance with the approved Strategy unless previously agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure that the development takes the form agreed by the authority and thus results in a satisfactory form of development and to ensure the protection of biodiversity</p>		
35	<p>Prior to the commencement of each Phase or sub phase of the development hereby approved, a Construction Environmental Management Plan (CEMP) for that Phase or sub phase, which shall conform to the Green Infrastructure and Biodiversity Management Strategy approved under Condition 34 (above), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details on the following:</p> <p>Risk assessment of potentially damaging development activities;</p> <ul style="list-style-type: none"> <li>- Practical measures to avoid or reduce impacts on biodiversity during site preparation and construction;</li> <li>- Identification and protection of biodiversity protection zones;</li> <li>- Timing of sensitive works;</li> <li>- Responsible persons and lines of communication;</li> <li>- Protective fencing, wildlife exclusion barriers and warning signs.</li> <li>- Bird strike risk assessment, including a report of its findings, together with any mitigation measures deemed necessary</li> </ul>	None	

	Condition As Amended	Change	Reason
	<p>The CEMP shall also include details of:</p> <ul style="list-style-type: none"> <li>- The means of access and routing for demolition and construction traffic</li> <li>- The parking of vehicles of site operatives and visitors</li> <li>- Loading and unloading of plant and materials</li> <li>- Storage of plant and materials used in constructing the development</li> <li>- Location of Contractor compound(s)</li> <li>- Wheel washing facilities</li> <li>- Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction</li> <li>- Temporary highway works</li> </ul> <p>Development work shall be carried out in full accordance with the approved CEMP unless previously agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure appropriate mitigation for the impact caused by the construction phases of the development, to ensure the protection of biodiversity and to reflect the scale and nature of development assessed in the submitted Environmental Statement</p>		
36	<p>Prior to the commencement of each Phase or sub phase of the development hereby approved, a Green Infrastructure Biodiversity Management Plan GIBMP for that Phase which shall conform to the Strategy approved under Condition 34 shall be submitted to and approved in writing by the Local Planning Authority. The GIBMP shall include the following:</p> <ul style="list-style-type: none"> <li>- Details of all Green Infrastructure Elements to be provided in the relevant Phase;</li> <li>- Phasing and key triggers for the provision of relevant Green Infrastructure Elements, public access arrangements and management and maintenance requirements;</li> <li>- Description and evaluation of features to be managed;</li> <li>- Ecological trends and constraints on site that might influence</li> </ul>	None	

	Condition As Amended	Change	Reason
	<p>management;</p> <ul style="list-style-type: none"> <li>- Appropriate management options for achieving aims and objectives;</li> <li>- Prescriptions for management actions;</li> <li>- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period);</li> <li>- Bird strike risk assessment including a report of the findings, together with any mitigation measures deemed necessary;</li> <li>- details of outdoor lighting of the Green Infrastructure for that Phase or sub phase, designed to minimise impacts on biodiversity;</li> <li>- Details of the body or organisation responsible for implementation of the plan;</li> <li>- Ongoing monitoring and remedial measures.</li> </ul> <p>The approved GIBMP shall be implemented in accordance with the approved details in perpetuity unless agreed in writing with the local planning authority.</p> <p>REASON: To ensure that the development takes the form agreed by the authority and thus results in a satisfactory form of development and to ensure the protection of biodiversity.</p>		
37	<p>Prior to the commencement of each Phase or sub phase of the development hereby approved an Arboricultural Method Statement, prepared in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction, shall be submitted to and approved in writing by the local planning authority. Works shall thereafter be carried out only in accordance with the approved details. The Arboricultural Method Statement shall include the specification, location and phasing for the installation of tree and hedge protection measures, and a schedule of all proposed tree and hedge works, including the reason for such works.</p> <p>No trees or hedges on the application site shall be wilfully damaged, cut down, uprooted, pruned, felled or destroyed except for the trees and hedges to be removed to facilitate the development as shown in the approved Tree Retention Plan without the prior written consent of the local planning authority.</p>	None	

	Condition As Amended	Change	Reason
	REASON: In the interests of the health and amenity value of the trees and hedgerows and to ensure that any works to trees and hedgerows are in accordance with the approved development of the site.		
38	<p>Prior to the commencement of each Phase or sub phase, a programme of implementation for archaeological work for the relevant Phase or sub phase will be secured 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 in that Phase or sub phase except in accordance with the approved details.</p> <p>REASON: To ensure that any features of archaeological interest are protected or recorded</p>	None	
39	<p>In conjunction with the first Reserved Matters, a full landscape scheme for the Registered Park and Garden, to include those details specified below, shall be submitted to and no development shall be carried out unless it has been approved in writing by the local planning authority.</p> <p>i) the treatment proposed for all ground surfaces  ii) full details of tree planting  iii) planting schedules, noting the species, sizes, numbers and density of plants;  iv) all existing trees, hedges and other landscape features, including clearly those to be removed.  v) a clear and detailed phasing arrangements for the laying out and landscaping of the Register Park and Garden</p> <p>This landscaping scheme shall be fully completed in accordance with the agreed details, the first phase of which shall be completed in the first planting season following the approval of the first reserved matters application. The remaining phases shall be completed in accordance with the timetable to be agreed under the terms above, no later than the occupation of 1,200th dwelling. 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.</p> <p>REASON: To ensure that a satisfactory landscape scheme for the</p>	Yes	This condition has been altered to require details to be submitted in conjunction with the first reserved matters application rather than before. This is to ensure there is no impediment to delivery of the scheme.



	<b>Condition As Amended</b>	<b>Change</b>	<b>Reason</b>
	Garendon Park and garden and to ensure that the mitigation landscaping is delivered in an acceptable manner.		
40	<p>The proposed footways/cycle ways/bridleway ways within the Registered Park and Garden, illustrated on FPCR Access Plan, drawing ref No.1005-L-214 shall be completed in accordance with the phasing plan to be agreed under condition 9. Once completed these routes shall be open free of charge to the public. The route shown in yellow on the above plan shall also be open to the public 24 hours per day and unrestricted, in perpetuity. The development shall not be carried out or occupied other than in compliance with the requirements of this condition.</p> <p>REASON: To ensure a satisfactory form of sustainable development and in the interest of pedestrian safety.</p>	Yes	Amended by Plans Committee as part of the resolution
41	<p>If, during development of any phase or sub-phase, contamination not previously identified is found to be present at the site then no further development within that phase or sub-phase (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure there are no risks to the long term health of future occupiers of the site</p>	None	
42	<p>Demolition or construction works shall not take place outside 0700 hours to 1800 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.</p> <p>REASON: To protect the amenity of the occupiers of nearby properties</p>	None	
43	<p>At each reserved matters stage a noise assessment shall be carried out for the relevant Phase or sub-phase and submitted to the local planning authority, and where necessary a noise mitigation scheme shall be submitted to and approved in writing by the local planning authority including details of mechanical or forced ventilation where necessary to ensure future occupiers are able to aerate properties</p>	None	

	Condition As Amended	Change	Reason
	<p>without the need to open windows. The development shall be implemented in accordance with this approved scheme to ensure the following limits are achieved (assuming a windows-closed scenario);</p> <p>30dB(A) Leq 8 hours in living rooms from 2300 to 0700hrs  35dB(A) Leq 16 hours in bedrooms from 0700 to 2300hrs  &lt;45dB LA max in bedrooms from 2300 to 0700hrs</p> <p>REASON: To protect the amenity of the occupiers of the proposed development</p>		
44	<p>All works, which form part of the amelioration scheme detailed in sections 6.1 of the Noise Assessment, by WYG Planning &amp; Environment ref A084018, (Dated August 2014), submitted with this application, shall be fully completed before any part of the development is occupied, unless otherwise agreed in writing with the local planning authority.</p> <p>REASON: To protect the amenity of the occupiers of the proposed development</p>	None	
45	<p>All new buildings containing plant and/or machinery or fixed external plant should be attenuated to achieve the noise criteria of 5dB below the measured background (L90) at adjacent dwellings' (with an acoustic feature correction applied).</p> <p>REASON: To protect the amenity of the occupiers of the proposed development</p>	None	
46	<p>Access to Leicestershire County Council Civic Amenity Site, shall not be restricted at any time during the construction of the development.</p> <p>REASON: To protect the operations of the domestic Civic Amenity facility</p>	None	
47	<p>Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that order with or without modification), there shall be no amalgamation, nor any change of use of the units defined for A1, A2, A3, A4, A5 or D1 uses within the local centre without the prior permission of the local planning authority on an</p>	None	Minor correction to the reference to the GPDO

	Condition As Amended	Change	Reason
	<p>application submitted in that regard.</p> <p>REASON: To ensure an appropriate mix of uses to meet local need is contained within the local centre, in the interest of sustainability.</p>		
48	<p>The access roads to the Employment Area, accessed off of the strategic link road and the access road linked to Hathern Road, shall be laid out and delivered prior to occupation of the 1440th dwelling.</p> <p>REASON: To ensure the scheme takes the form agreed by the authority and thus results in a satisfactory and sustainable form of development</p>	None	Minor correction
49	<p>The access road and utilities/services to the Gypsy and Traveller site and Show people's site shall be laid out, connected and delivered prior to the occupation of the 1,440th dwelling.</p> <p>REASON: To ensure the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.</p>	None	
50	<p>With each reserve matters application, an Odour Assessment shall be submitted, the scope of which shall first be agreed in writing with the local planning authority. The development shall be carried out in accordance with any mitigation recommendations set out in these Odour Assessments.</p> <p>REASON: To protect the amenities of future occupiers of the development</p>	None	
51	<p><b>Prior to the commencement of each phase or sub phase of the development hereby approved all ecological survey work relevant to that phase or sub phase shall be updated where this is recommended in previously submitted or site wide ecology documents. Any change to the mitigation measures proposed for that phase or sub phase as a result of the updated survey work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any revised mitigation measures so approved. REASON: To ensure that a rolling programme of ecological appraisal is followed as the site is developed and conditions on the ground change.</b></p>	Yes	This new condition is to ensure that ecological survey work is kept up to date. Good Practice guidance suggests that the survey work will need to be regularly updated over the life time of the build, particularly once conditions begin to change on the ground.
X	<b>Prior to the submission of the first Reserve Matters applications a</b>	Yes	This Condition (formerly 10) has been removed as it

	<b>Condition As Amended</b>	<b>Change</b>	<b>Reason</b>
	<p>site wide plan illustrating sub- areas (parcel groups or geographical phases) shall be submitted to and approved in writing by the local planning authority. The sub areas / development phases should not exceed 700 new homes. This plan should include details of the proposed sequence of development across the entire site, the extent and location of individual sub- areas / development phases, including reference to the type and extent of any development envisaged in each.</p> <p><b>REASON:</b> To provide clarification on how the development will be delivered to assist determination of reserved matters and to ensure the development is delivered in an acceptable manner</p>		<p>was unduly onerous. It has effectively been incorporated into conditions 9 and 11.</p>