

Decision under Delegated Powers

Officer Requesting Decision

Team Leader, Strategic Development

Officers Making the Decision

Head of Strategic Support and Head of Planning and Regeneration

Recommendation

That the Section 106 Legal agreement relating to the Plans Committee resolution of 17 March 2020 relating to application P/16/1660/2 be signed and planning permission granted subject to amended conditions as indicated in the Decision Notice

Authority for Decision

Plans Committee resolved to grant planning permission subject to conditions and a S106 legal agreement at its meeting on 17th March 2020 and gave delegated authority to the Head of Strategy Support and Head of Planning and Regeneration to enter into the S106 agreement on terms to be finalised by them.

Decision and Date



2 November 2020

Background

Planning application P/16/1660/2 is a hybrid application for the following development on land North of Birstall, Leicestershire:

Outline application (with all matters reserved on those areas not subject to the detailed proposals) for erection of 1,950 residential dwellings (Use Class C3), 15 hectares of employment land (Use Class B1(a), B1(c), B2 & B8), erection of a primary school (Use Class D1), a local centre comprising of shops, supermarket (Use Class A1), financial & professional services (Use Class A2), restaurants/cafes (Use Class A3), drinking establishments (Use Class A4), hot food takeaway (Use Class A5), business (use Class B1a), erection of an assisted living retirement village of up to 175 units & 70 bed care home (Use Class C2), non - residential institutions (Use Class D1) and assembly and leisure (Use Class D2), erection of a community resource centre providing a mix of uses, provision of 4 plots for travelling show people, green infrastructure, outdoor sport provision, public open space/parkland, allotments, arboretum, extended rights of way, and associated landscaping and infrastructure; and detailed planning application relating to the erection of 193 dwellings (Use Class C3), erection of two separate lodge/gate houses (Use Class C3), a countryside park with sports pitches, sports pavilion, structural landscaping, biodiversity parkland, details of drainage and internal access roads, and the

provision of the primary access including the details of the signalised roundabout to the A6 Dual Carriageway, site access works and the provision of a two way local link to Loughborough Road, Rothley.

Purpose of the Report

The purpose of this report is to consider the following pursuant to deciding whether to grant planning permission in accordance with the authority delegated by the Plans Committee:

- Any changes to legislation, the Development Plan or any other matter which may be a material planning consideration since resolution of Plans Committee, (to grant planning permission), on 17th March 2020 was made.
- The Section 106 agreement for the above development, which has been completed further to recommendation A of Plans Committee, (to prepare a Section 106 agreement), on 17th March 2020.
- Any changes to the proposed planning conditions since recommendation B of Plans Committee, (to grant subject to conditions which may be varied), on 17th March 2020.

Scope and Structure

The report is set out as follows:

- **Section 1** deals with an assessment of whether there have been any **material changes** between the resolution to grant planning permission on 17th March 2020 and the date of this report. The aim of this section of the report is to conclude whether there is a need to bring these matters back to Plans Committee if they may impact on recommendations A or B. 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.
- **Section 2** deals with the **Section 106 Legal Agreement** that has been prepared and how this differs from **recommendation A**. The aim of this section is to provide a cross check that the final Section 106 is in line with recommendation A and to inform members of any alterations.
- **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 17th March 2020.

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.

There have been no changes in relevant policy since plans committee resolution on the 17th March 2020. There is therefore no need to refer the application back to the committee for redetermination.

Section 2 - S106 Legal Agreement

The Committee resolution 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.

The heads of terms for the S106 as listed in Recommendation A is replicated below with comments and updates after each section.

1. Education.

Early years.

- To provide a purpose-built day nursery at Broadnook Centre for 166 places or a shared facility in combination with the Community Resource Centre.
- To confirm a backstop for the provision of a purpose-built day nursery at either the Community Resource Centre or the Primary School.
- Overall Early Years Project to be subject to a maximum financial contribution of £1,476,335.20 to be safeguarded and index linked.

Changes: The number of places has been reduced to 162 and the contribution reduced to £1,438,480.50, to take account of 1 bed properties in the development. This was done for primary and secondary provision but was mistakenly not done for Early Years and SEN. The County Council have confirmed the reduced numbers are correct.

Primary.

- Reserve a site of 3 hectares for a 3FE – 630 place – Broadnook Primary School;
- Site to be made available fully prepared, serviced and accessed prior to the occupation of no more than 200 Class C3 dwellings;
- to commission and complete the build (or make funds available to LCC as an alternative delivery mechanism) of the Primary School Phase One to provide capacity for 300 places with infrastructure for a 630 place school (which shall include the School Hall(s), kitchens, office space etc.) scheme, prior to the occupation of no more than 300 Class C3 dwellings;
- to commission and complete the build (or make funds available to LCC to procure) of the Primary School Phase Two scheme, to provide for 573 places overall prior to the occupation of no more than 700 Class C3 dwellings;

- Overall Primary School Project to be subject to a maximum combined financial contribution amounting to £8,361,216 to be safeguarded and index-linked;

Update: No changes to the thresholds. Whilst a site will be provided for a 3FE primary school, the applicant (the owner) will provide a 2.73FE primary school – as reported to plans committee. The 2.73FE primary school shall be provided by the owner before occupation of the 1400th dwelling.

Secondary.

- Overall Secondary School Project to be subject to a maximum financial contribution amounting to £6,848,653.10, to be safeguarded and index-linked and provided in equal instalments prior to the occupation of no more than 500, 1000 and 1500 Class C3 dwellings;
- Delivery details to be approved through an Education Delivery Review process.

Update: The payment will be based on the above thresholds at rates of 34%; 33% and 33% of the overall amount respectively.

Special Needs.

- An overall financial contribution of £1,038,303 to be safeguarded and index-linked and provided in equal instalments prior to the occupation of no more than 500, 1000 and 1500 Class C3 dwellings;

Changes: The thresholds for payment have changed to 450, 900 and 1350 at the request of County Education to make the payments available earlier. The contribution has reduced to £1,011,680.30, to take account of 1 bed properties in the development. This was done for primary and secondary but was mistakenly not done for Early Years and SEN. The County Council have confirmed the reduced numbers are correct.

Overall comments: In addition to that detailed above an Education Delivery Review and an Education Liaison Group have been added. Both have a detailed purpose and requirements in the S106 agreement but the Education Delivery Review includes wording that any savings on secondary education are sent to CBC as a payment for delivery of further affordable housing in the Borough up to an equivalent of a maximum of 30% overall provision of affordable housing on site.

2. Community Contributions.

- to provide a Community Resource Centre (Broadnook Hall) of mixed uses based on the proposal defined by the Broadnook Centre Planning Brief and in accordance with CBC Planning Advice (P/19/0007/2);

Update: A community services review for the site is to be provided by occupation of 550 dwellings and the Community Resource Centre to be provided in full by the occupation of the 650th dwelling.

3. Community Facilities

- Broadnook Hall will provide for a combination of community facilities and healthcare facilities, the community facilities element of Broadnook Hall will be subject to a maximum financial contribution of £5,000,000;
- a further financial contribution amounting to £58,850, index-linked, towards the provision of a community managed library at Broadnook Hall;

Changes: £17,000 of the overall library contribution will be used to provide a temporary library facility at the Foxfields Park Pavilion prior to occupation of the 200th dwelling. The balance of monies to be used for the library provision at Broadnook Hall and the temporary library facilities – books, shelves etc - at Foxfields Park Pavilion will be then be reused at Broadnook Hall. A Police facility – room - is proposed at Broadnook Hall.

4. Healthcare facility

- as part of Broadnook Hall the Healthcare Facility will include consulting, treatment, reception and waiting rooms and accommodation for a dentist;
- a Healthcare Facility contribution of £1,172,468;

Updates: A minimum area of 650m² is stated in the S106 agreement. A healthcare needs review and healthcare marketing strategy are included, with the fall back that if the facility is not provided on site then the contribution is paid to the CCG – as discussed at plans committee.

5. Broadnook Centre Public Realm

- the sum of £750,000 to fully implement the external works associated with Broadnook Hall including Maypole Square and Gardens;

Update: To be provided in full by occupation of the 650th dwelling.

6. Broadnook Hall Implementation and Review

- Broadnook Partnership to commence construction of Broadnook Hall in accordance with approved plans and within budget available prior to the occupation of no more than 550 Class C3 dwellings and to complete construction of Broadnook hall prior to occupation of no more than 650 Class C3 dwellings;

7. Bike Facilities

- the sum of £100,000, index-linked, to the Broadnook Partnership prior to the occupation of no more than 650 Class C3 dwellings to include Broadnook e-bike facilities;

Update: Details to be submitted to CBC prior to occupation of the 50th dwelling.

8. Broadnook Village Trust

- to ensure the establishment of the Broadnook Garden Village Trust prior to the occupation of any Class C3 dwellings;

9. Broadnook Community Development Worker

- to make available the sum of £809,942, index-linked, as an endowment to support the establishment and early years operation of the Broadnook Garden Village Trust until it becomes self-sustaining;
- Broadnook Garden Village Trust shall appoint an appropriate person to initiate activities and engagement with the new community;

Update: Agreed job description for a community development worker appended to the S106 agreement. Owner to appoint the community development worker prior to occupation of the 100th dwelling.

10. Broadnook Warden – accommodation

- to make and to keep available (i.e. first refusal) a 2-bed apartment administered by the registered provider (Broadnook Partnership) at Broadnook Hall for the occupation (if so desired) by a Warden/Caretaker employed by the Broadnook Garden Village Trust;

Update: In conjunction with CBC officers.

11. Broadnook Liaison Group – The Broadnook Foundation

- to establish the Broadnook Foundation - in order to facilitate local community liaison, engagement and consultation to cover the interim period prior to the full functioning of the Broadnook Garden Village Trust and/or Broadnook Parish Meeting/Parish Council

12. LCC Civic Amenities Contribution

- To make available a financial contribution of £100,756, index-linked, to increase capacity at the Mountsorrel Civic Amenity Site by extending the waste storage and recycling areas.

Updates: The Owners shall pay the Civic Amenity Contribution to the County Council in five equal instalments as follows:

- (a) 20% payable prior to Occupation of 300 Dwellings;
- (b) 20% payable prior to Occupation of 600 Dwellings;
- (c) 20% payable prior to Occupation of 900 Dwellings;
- (d) 20% payable prior to Occupation of 1200 Dwellings; and
- (e) 20% payable prior to Occupation of 1500 Dwellings.

13. Site for Travelling Show People

- to submit to the Borough Council for approval a Scheme for a Site for Travelling Showpeople prior to the occupation of no more than 750 Class C3 dwellings;

Changes: Details of the site to be submitted to CBC prior to occupation of the 750th dwelling, marketing strategy agreed and implemented prior to occupation of the 1000th dwelling; and first occupation prior to occupation of the 1700th dwelling.

14. Initial Provision of Social, Community, Management and Marketing Facilities Foxfield Park Pavilion

- in order to provide initial facilities for social and community purposes, establishment of the Trust Management Body and joint Broadnook Marketing¹ the Foxfield Park Pavilion (with associated access, landscaping and car parking²) shall be brought into use (incorporating a suitable interim internal layout and specification) prior to the occupation of any Class C3 dwellings;

Update: Interim library provision to be added prior to occupation of the 200th dwelling and then transferred over to the completed community resource centre. Pavilion to be used as an admin centre/site office and then revert to its sport and community use when the community resource centre is completed.

15. Green Infrastructure, Public Realm and Open Space

- to make an overall financial contribution of £1,600,000, index-linked, to facilitate the phased provision and the ongoing management and maintenance of the Broadnook green infrastructure by the Broadnook Garden Village Trust until such time as the Trust becomes self-sustaining;

Update: The Owners shall provide and make available for public use the Green Infrastructure Elements within the Application Site in accordance with the following:

- any relevant provisions of the Landscape and Biodiversity Management Strategy;
- the principles set out in the Landscape and Biodiversity Management Plan;
- any relevant Reserved Matters Approvals;
- in accordance with the phasing plan approved by condition;
- the relevant provisions of this Schedule 5 (Green Infrastructure Elements); and
- the Allotments Specification at Annex 1 to this Schedule

16. Sustainable Drainage Management and Maintenance

- to make a financial contribution of £487,864, index-linked, to enable the ongoing management and maintenance of sustainable surface water drainage measures by either the local authority, a management company or the Broadnook Garden Village Trust;

Update: The Owners will prepare and submit to the Borough Council for its approval the SUDs Strategy prior to Commencement and shall not commence the Development until such time as the Borough Council has approved the SUDs Strategy. The SUDs shall be delivered by the Owner in accordance with the SUDs Strategy and thereafter managed and maintained in accordance with the details approved as part of the SUDs Strategy by the Trust (and the Owner shall procure the same) or as otherwise agreed with the Borough Council. The Borough Council shall be given notice of the completion of the SUDs and shall have 42 days to Inspect the same in order to confirm that the SUDs have been completed in accordance with the SUDs Strategy.

17. Artificial Grass Pitch (AGP) The Cedars

- to make available at a peppercorn rent and on suitable terms and conditions, 3.2 acres of land adjacent to Cedars Academy boundary as identified on Plan A, to enable the provision of a full size AGP;

Update: the term of the lease will be for a period of 30 years subject however to rights to terminate in respect of fundamental breaches of the terms of the lease; such other terms as the relevant Owners consider are compatible with the educational use of the Cedars Academy and are reasonable but which do not impair the reasonable use of the Artificial Grass Pitch.

18. Transportation Measures

- A sum of £500,000, A6 Corridor Traffic Signals Improvement Scheme, £200,000 will be made available prior to the occupation of no more than 100 Class C3 dwellings;

Changes: £193,000 payable to County for the works in their area, prior to occupation of the 100th dwelling. £301,250.00 payable to LCity for works to upgrade Redhills Junction in the City, prior to occupation of the 660th dwelling.

- to make available a sum of £38,600 Installation of Urban Traffic Controller (UTC) and CCTV at A607/Melton Road Signalised Junction.

Update: Payable to County prior to the 100th dwelling.

- MOVA Revalidation Works at A607/Melton Road Junction. to make available a sum of £1,500, index-linked, prior to the occupation of no more than 600 Class C3 dwellings to enable the revalidation of MOVA at the A607/Melton Road signalised junction; to make available the sum of £1,500, index-linked, prior to the occupation of no more than 1100 Class C3 dwellings to enable the further revalidation of MOVA at the A607/Melton Road signalised junction.

Update: Owners to pay County £1500 prior to occupation of the 600th dwelling and the second payment of £1500 prior to occupation of the 1100th dwelling.

- a sum of £22,500 for A6 Traffic Regulation Orders.

Update: Paid to County prior to commencement of development.

- Bus Service Contribution of £150,000 per year for a period of 5 years (i.e. up to a maximum sum of £750,000) shall be paid to the County Council to enable the service to be provided.

Update: The owner to pay County the first instalment prior to occupation of the 200th dwelling and the 2nd to 5th instalments on a yearly basis from then.

- Travel Packs. to provide travel packs to inform all new residents and employees – one per dwelling and per employee from first occupation – on the sustainable travel choices available in the surrounding area including incentives to encourage sustainable travel modes – supplied by Leicestershire County Council at £52.85 per pack.
- Bus Passes. to provide 6 month bus passes at the rate of £360 per pass; two per dwelling and one per employee (2 application forms to be included in Travel Packs) in order to encourage new residents and employees to use bus services and to promote usage of sustainable travel modes.
- Travel Plan Costs;

Update: Owner to procure a Travel Plan Coordinator upon commencement of development. Owner to pay £11,337.50 to County at 33% prior to commencement, 33% prior to occupation of the 650th dwelling and 34% prior to occupation of the 1300th dwelling.

- Off-Site Public Rights-of-Way Network Enhancement;

Update: The Owners shall pay the Off Site PROW Improvement Contribution to the County Council in the following instalments: i. £315,000 prior to the occupation of the 150th Dwelling to be used solely for the purpose of providing or upgrading links between the Development and Rothley ii. £197,101.26 prior to the Occupation of the 450th Dwelling. Or the owner shall undertake the PROW works to the same value.

19. Affordable Housing.

- to provide 16% of the total number of Class C3 dwellings as affordable homes (i.e. 319 of 1,950) with a tenure mix of 50% (160) affordable rent; 25% (80) shared ownership; 25% (79) discounted market sales.

Update: In accordance within the provisions of this Schedule 7 the Owners shall procure that a minimum of 16.36% of the Dwellings in the Development shall be Provided on the Application Site as Affordable Dwellings in accordance with the following: The Site Wide Affordable Housing Delivery Plan; the relevant Phase Specific Affordable Housing Delivery Plan; and the further provisions of this Schedule 7. Affordable housing mix table appended to the S106 agreement. Words on restrictions on use and transfer of the affordable housing added to the S106

20. The Assisted-Living Retirement Village – Use Class C2

Update: The Owners shall actively market the Extra Care Site from the Commencement Date with a view to securing a purchaser of the Extra Care Site who will contractually commit to developing the Extra Care Apartments and the Minimum Design Features permitted by the Planning Permission. The Extra Care Apartments shall only be occupied by an Extra Care Qualifying Person save for the widow or widower or surviving co-habitee of such a person who remains in occupation following the death of the Extra Care Qualifying Person.

21. Broadnook Centre Land (other than Broadnook Primary School and Broadnook Hall) and Employment Land

Update: Communal use of the sports facilities adjacent to the Primary School. Employment land marketing strategy to CBC prior to occupation of the 50th dwelling. Local centre and employment can commence as soon as possible. No occupation of more than 1250 dwellings until the Broadnook Centre is completed.

22. Affordable housing fall back clause

- An overall requirement that if any of the identified allocations are not used within 5 years of the date of decision then any shortfall is redirected to provide a greater percentage of affordable housing up to a maximum of 30%.

23. Charnwood Borough Council and Leicestershire County Council Obligation monitoring fees. To be based on a pro-rata basis payable on a phased basis with details to be agreed.

Update: The Owners shall pay to the Borough Council the Borough Council's monitoring costs Index Linked of £98,026.50 as follows:

- £2,513.50 prior to Commencement
- £2,513.50 prior to Occupation of the 50th Dwelling
- ££11,310.75 prior to Occupation of 275th Dwelling
- ££11,310.75 prior to Occupation of 500th Dwelling
- ££11,310.75 prior to Occupation of 725th Dwelling
- ££11,310.75 prior to Occupation of 950th Dwelling
- ££11,310.75 prior to Occupation of 1175th Dwelling
- ££11,310.75 prior to Occupation of 1400th Dwelling
- ££11,310.75 prior to Occupation of 1625th Dwelling
- £13,824.25 prior to Occupation of 1900th Dwelling or any of the last 10 Dwellings if less than 1900

The Owners shall pay the County Council's monitoring costs Index linked of Twenty Thousand Pounds (£20,000.00) to the County Council as follows:

- 20% prior to Commencement
- 20% prior to Occupation of the 500th Dwelling
- 20% prior to Occupation of 1000th Dwelling

- (d) 20% prior to Occupation of 1500th Dwelling
- (e) 20% prior to Occupation of 1900th Dwelling or any of the last 10 Dwellings if less than 1900

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

Recommendation B stated that subject to the 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 the Head of Planning and Regeneration and the Head of Strategic Support to vary, including to add or delete the conditions and informative notes insofar as is necessary.

For information recommendation B is appended to this report with the changes highlighted. The changes relate to deletion and insertion of words, changes to plan numbers, cross referencing of conditions and correction of typos – to conditions 3, 6, 7, 8, 13, 19, 23, 29, 30, 31, 36, 40 and the first informative. 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 recommendation B.

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

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Legal challenge to the decision due to the time that has lapsed between the resolution to grant and the issue of Planning Permission.	Unlikely	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 A	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 purpose of these.	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

Key Decision:

No

Background Papers:

Planning files: P/16/1660/2

Approved Section 106 Agreement

Appendix. Recommendation B, with highlighted changes.

3. No development shall commence, other than development approved in detail as part of this application, until details of the appearance, landscaping, layout, access to and scale ("the reserved matters") of the relevant phase or parcel 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 13. The development shall be implemented in accordance with the approved details.

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.

6. Prior to the commencement of development, unless otherwise agreed in writing, the A6 access arrangements and highway works shown as on drawing number LWL/600/002 Rev D28 shall have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety, for construction traffic and in accordance with the National Planning Policy Framework (2019).

7. Prior to the occupation of the 300th dwelling, the A6/ A46 Birstall Interchange works as shown on ADC drawing number ADC1684-DR-002 Rev P35 shall be implemented in full.

REASON: To ensure mitigate the severe impacts of development traffic in accordance with the National Planning Policy Framework (2019).

8. Prior to the occupation of the 1st dwelling the Hallfields Lane/Cossington Lane works as shown on Drawing ADC1684 -DR-001 Rev P2 shall be implemented in full.

REASON: To ensure mitigate the severe impacts of development traffic in accordance with the National Planning Policy Framework (2019).

Approved Plans

13. The development hereby approved shall be carried out in accordance with the following plans and documents:

- Application Boundary Plan which also defines the Area Subject of Detailed Proposals.
- Define Drawing Reference DE096.008 Rev D
- Development Framework Parameter Plan. Define Drawing Reference DE096.001 Rev O

- Green Infrastructure Parameter Plan. Define Drawing Reference DE096.003 Rev M
- Land Use and Scale Parameter Plan. Define Drawing Reference DE096.004 Rev O
- Movement Parameter Plan – Street Typologies. Define Drawing Reference DE096.002 Rev J
- Movement Parameter Plan – Pedestrian/Cycle Strategy. Define Drawing Reference DE096.005 Rev E
- Design and Access Statement 1 “A Framework for Broadnook Garden Suburb” dated June 2016.
- Design and Access Statement 2 “Delivery of the Broadnook Garden Suburb” dated June 2016.
- Design and Access Statement Addendum (including Street Typologies Revision I) dated January 2019.
- Green Infrastructure Addendum – Allotments, Outdoor Sports and Play dated January 2019.
- Broadnook Centre Planning Brief dated ~~January 2019~~ December 2018.

REASON: For the avoidance of doubt and to ensure the scheme follows the form of development agreed by the authority.

19. Within the Broadnook Centre the supermarket hereby permitted shall not exceed 3,000 (gross floor area) sq.m and 1,600 (nett floor area). No more than 480 square metres of the nett 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 local planning authority and thus results in a satisfactory form of development.

23. Further to the requirements of condition 3 all reserved matters applications for that part of the Broadnook application site hereby granted outline permission full regard will be given to the landscaping principles and details shown on the following Munro-Whitten drawings hereby approved:

- Landscape Framework Plan Ref: 0638.009 Rev C
- Landscape Phasing Plan – Existing Site Ref: 0638.036 Rev B
- Landscape Phasing Plan Phase 1 Ref: 0638.037 Rev B
- Landscape Phasing Plan Phase 2 Ref: 0638.038 Rev B
- Landscape Phasing Plan Phase 3 Ref: 0638.039 Rev B
- Landscape Phasing Ref: 0638.040 Rev B
- The Northern Landscape Ref: 0638.005 Rev E ~~The Western Landscape Context Plan Ref: 0638.034~~
- Location of Illustrative Landscape Sections – ~~Context Plan~~ ~~Western Slopes~~ Ref: 0638.027034 Rev AB
- The Western Landscape Ref: 0638.035 Rev B
- Illustrative Landscape Sections – Western Slopes Ref: 0638.026
- ~~The Southern Landscape Context Plan Ref: 0638.034~~

- Acoustic Mounding Exercise to Southern Boundary Section A-A Ref: 0638.029 Rev C
- Acoustic Mounding Exercise to Southern Boundary Section B-B Ref: 0638.030 Rev E
- Acoustic Mounding Exercise to Southern Boundary Section C-C Ref: 0638.031 Rev C
- Acoustic Mounding Exercise to Southern Boundary Section Lines Ref: 0638.028

The full landscaping details, including transition zones, to be included within each reserved matters application in accordance with Condition No.3 shall accord with the agreed structural landscaping scheme defined by the drawings listed above. The approved site-wide structural landscaping scheme shall be implemented in accordance with the Phasing Plans approved under Condition No. ~~17~~ 15.

REASON: To ensure a satisfactory form of development and in the interests of the character and appearance of the area.

Ecology

29. Notwithstanding the submitted Landscape and Biodiversity Management Plan dated January 2019 no development shall commence until a site-wide Landscape and Biodiversity Management Strategy has been submitted to and agreed in writing by the local planning authority. The submitted Strategy will include further details on:

- aims and objectives of management;
- the retention of existing features and habitats;
- the protection and enhancement of biodiversity including measures to mitigate against the impact of the development;
- the phased implementation of mitigation measures in accordance with the phasing proposals pursuant to Condition No. ~~9~~ 15;
- the retention of agricultural land;
- additional protected species surveys if required;
- site preparation and earth modelling/re-grading;
- above ground structures including boundary treatment and outdoor lighting;
- management and maintenance of all aspects of Green Infrastructure;
- a programme of works and implementation;
- monitoring.

Development work will be carried out in full accordance with the approved Strategy unless previously agreed in writing with the local planning authority.

REASON: To ensure that the development takes the form agreed by the local planning authority and thus results in a satisfactory form of development and to ensure the protection of biodiversity.

30. 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 No. 29 ~~34~~ shall

be submitted to and approved in writing by the local planning authority. The GIBMP shall include the following:

- description and evaluation of features to be managed;
- ecological trends and constraints on site that might influence management;
- appropriate management options for achieving aims and objectives;
- prescription for management actions;
- preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5 year period);
- bird strike assessment including a report of the findings, together with any mitigation measures deemed necessary;
- details of outdoor lighting of the Green Infrastructure for that phase, sub-phase or development parcel, designed to minimise impacts on biodiversity;
- details of the body or organisation responsible for implementation of the Plan;
- ongoing monitoring and remedial measures.

The approved GIBMP shall be implemented in accordance with the approved details in perpetuity unless agreed in writing with the local planning authority.

REASON: To ensure that the development takes the form agreed by the local planning authority and thus results in a satisfactory form of development and to ensure the protection of biodiversity.

31. Prior to the commencement of each phase, sub-phase or development parcel of the development hereby approved, a Construction Environmental Management Plan (CEMP) for that phase, sub-phase or development parcel, which shall conform to the submitted Framework CEMP (June 2016) and the Landscape and Biodiversity Management Strategy approved under Condition No. **29** shall be submitted to and approved in writing by the local planning authority. The CEMP shall include details on the following:

- risk assessment of potentially damaging development activities;
- practical measures to avoid or reduce impacts on biodiversity during site preparation and construction;
- identification and protection of biodiversity protection zones (as identified in the biodiversity management strategy for condition **29** ~~34~~);
- timing of sensitive works;
- responsible persons and lines of communication;
- protective fencing, wildlife exclusion barriers and warning signs;
- bird strike risk assessment, including a report of its findings together with any mitigation measures deemed necessary.

The CEMP shall also include details of:

- the means of access and routeing for construction traffic;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- locations of contractor compound(s);

- wheel washing facilities;
- management of surface water run-off on site during construction 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;
- temporary highway works;
- hours of operation;
- screening and hoarding details;
- details of a soil handling strategy in accordance with mitigation measures proposed in the applicant's Environmental Statement and Framework CEMP submitted with the application;
- a contact line and communications strategy for local residents and interested parties.

Development work shall be carried out in full accordance with the approved CEMP unless previously agreed in writing with the local planning authority.

REASON: To ensure appropriate mitigation for the impact caused by the construction phases of the development; to prevent an increase in flood risk; to maintain the existing surface water run-off quality; to prevent damage to the final surface water management systems through the entire development construction phase; to ensure the protection of biodiversity and to reflect the scale and nature of development assessed in the Environmental Statement.

Children's Play Facilities

36. Prior to the first occupation of the first dwelling provided in each phase or sub-phase of the development details of the siting, design and programme for the provision of children's play areas defined by the Green Infrastructure Addendum (January 2019) approved under Condition No. 13 45 above shall be submitted to and approved in writing by the local planning authority. The children's play areas shall be laid out in accordance with the details and programme agreed under this condition.

REASON: To make sure that adequate play facilities are provided within the development in the interests of general amenity; are properly laid out and accord with the requirements of Policy CS15 of the Core Strategy.

Conditions relating to the area of the application site subject to Detailed Proposals

40. In so far as this decision grants full permission for the area edged blue on the Application Boundary Plan - Define Drawing Reference DE096.008 Rev D, the development shall be carried out only in accordance with the details and specifications included in the submitted application as amended by revised drawings received by the local planning authority on the 24th January 2019 unless otherwise agreed in writing by the local planning authority. The approved drawings are as follows:

Drawing Title		Drawing Reference
1. Junctions 1 and 2 A6 Site Access		LWL/600/002 Rev D28
2. On Site Access Drawings:		
(i)	General Arrangement Sheet 1	ADC-1684-DR-101 Rev P5
(ii)	General Arrangement Sheet 2	ADC-1684-DR-102 Rev P4
(iii)	General Arrangement Sheet 3	ADC-1684-DR-103 Rev P5
(iv)	General Arrangement Sheet 4	ADC-1684-DR-104 Rev P4
(v)	General Arrangement Sheet 5	ADC-1684-DR-105 Rev P5
(vi)	General Arrangement Sheet 6	ADC-1684-DR-106 Rev P5

3. Barwood Homes Detailed Proposals		
(i)	Proposed Site Layout	2930-01 Rev AE AF
(ii)	Parcel Information Drawing	2930-03 Rev K
(iii)	Phase 1 Housetypes Key Plan	2930-06 Rev E
(iv)	Phase 1 Materials Plan	2930-07 Rev A
(v)	Phase 1 Boundary Treatments Plan	2930-08 Rev A
(vi)	Phase 1 Hard Landscaping Plan	2930-09 Rev A
(vii)	Bournville Housetype	2930-101 Rev B
(viii)	Unwin Housetype	2930-102 Rev C
(ix)	Barnett Housetype	2930-104 Rev A
(x)	Earswick Housetype	2930-105 Rev C
(xi)	Earswick + Housetype	2930-106 Rev B
(xii)	Harbourne Housetype	2930-107 Rev B
(xiii)	Harbourne + Housetype	2930-108 Rev B
(xiv)	Brentham Housetype	2930-109 Rev B
(xv)	Hampstead Housetype	2930-110 Rev B
(xvi)	Hampstead + Housetype	2930-111 Rev B
(xvii)	Cadbury Housetype	2930-112 Rev B
(xviii)	Edwin Housetype	2930-113 Rev B
(xix)	Lutyens Housetype	2930-114 Rev B
(xx)	Howard Housetype	2930-115 Rev B
(xxi)	Rowntree Housetype	2930-116 Rev B
(xxii)	Letchworth Housetype	2930-117 Rev B
(xxiii)	Switchland Housetype	2930-118 Rev B
(xxiv)	Switchland + Housetype	2930-119 Rev B
(xxv)	Welwyn Housetype	2930-120 Rev B
(xxvi)	Welwyn + Housetype	2930-121 Rev B
(xxvii)	Rothley Housetype	2930-122 Rev B
(xxviii)	Kingston Housetype	2930-123 Rev B
(xxix)	Proposed Garages	2930-124
4. Davidsons Homes Detailed Proposals		
(i)	Planning Layout	1070-100 Rev P09
(ii)	Materials Plan	1070-200 Rev P04 P05
(iii)	Boundary Treatment Plan	1070-800 Rev P04
(iv)	House Types	DH205 RE-2 (AS) DH205 RE-2 (OP)

		DH205 RI-2 (OP) DH302 RE-3 (AS) DH302 RE-3 (OP) DH313 RD-2 (AS) DH313 RD-2 (OP) Rev A DH314 RDB-3 (AS) Rev A DH314 RDB-2 (OP) DH330 V-3 (AS) DH343 B-2 <i>and</i> DH344 B-2 (AS and OP) DH343 B-3 <i>and</i> DH346 B-3 Rear Elevation and Floor Plan (AS and OP) Rev A DH343 B-3 <i>and</i> DH346 B-3 Front and Side Elevations (AS and OP) Rev A DH380 BN-3 <i>and</i> DH381 BN-3 <i>and</i> DH382 BN-3 (AS) Rev A DH380 BN-3 <i>and</i> DH381 BN-3 <i>and</i> DH382 BN-3 (OP) Rev A DH404 V-2 (OP) DH412 R-3 (AS) DH412 R-3 (OP) DH413 W-3 (AS) Rev A DH413 B-3 (AS) DH413 B-3 (OP) DH418 W-2 (OP) DH422 R-3 (AS) DH424 S-2 (AS) DH430 W-3 (AS) DH430 W-3 (OP) DH431 B-3 (AS) DH431 B-3 (OP) DH432 T-2 (AS) DH432 T-2 (OP) DH450 BN-3 (AS) DH450 BN-3 (OP) DH451 BR-3 (OP) DH451 BR-3 (AS) DH460 W-3 (AS) DH460 W-3 (OP) DH507 BN-2 (AS) DH509 V-3 (AS) DH509 V-3 (OP) DH522 S-2 (OP) DH531 W-2 (AS)
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		DH531 W-2 (OP) DH532 V-3 (OP) Garages and Enclosures Sheets 1 (Rev A) and 2
5. Northern Boulevard Gatehouses		
(i)	Elevations Sheet 1	BMP-FEA-BI-XX-DE-A-3701 Rev P2
(ii)	Elevations Sheet 2	BMP-FEA-BI-XX-DE-A-3702 Rev P2
(iii)	Gatehouse – Proposed Plans	BMP-FEA-BI-XX-DP-A-2200 Rev P2
(iv)	Gatehouse – Context Elevation	BMP-FEA-SI-XX-DE-A-3459 Rev P2
6. Foxfield Park Pavilion		
(ii)	Elevations	SHM FEA 2460 SI XX DE A 3700 BMP-FEA-S3-XX- DE-A-3700 Rev P4
(ii)	Floor Plans	SHM FEA 2460 SI ZZ DP A 2200 BMP-FEA-SI-ZZ-DP- A-2200 Rev P3
7. Green Infrastructure and Landscaping		
(i)	Landscape Infrastructure (1 of 5)	0638.010 Rev K
(ii)	Landscape Infrastructure (2 of 5)	0638.011 Rev Q
(iii)	Landscape Infrastructure (3 of 5)	0638.012 Rev J
(iv)	Landscape Infrastructure (4 of 5)	0638.013 Rev F
(v)	Landscape Infrastructure (5 of 5)	0638.014 Rev H
(vi)	Woodland Planting Matrix	0638.025 Rev D
(vii)	Sections through SuDs	0638.043 Rev A
(viii)	Davidsons Housing Area: Plot Soft Landscaping (two drawings)	0638.015 a) and b) Rev L
(ix)	Barwood Housing Area: Plot Soft Landscaping (two drawings)	0638.017 Rev F and 0638.019 Rev E
(x)	Landscape Types	0638.045 Rev H
(xi)	Landscape and Biodiversity Management Zones	0638.052 Rev B

REASON: To ensure that the scheme takes the form agreed by the local planning authority and thus results in a satisfactory form of development and in the interest of the character and appearance of the area.

INFORMATION NOTES TO THE APPLICANT

- i. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS3, CS9, CS11, CS12, CS13, CS14, CS15, CS16, CS17, CS18, CS23, CS24 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies ST/2, EV/1, CT/1, CT/2 and TR/18 of the Borough of Charnwood Local Plan and the relevant provisions of the **Thurcaston and Cropston** Neighbourhood Plan have been taken into account in the determination of this application. The proposed development complies with the requirements of these policies and there are no other material considerations which are of significant weight in reaching a decision on this application.