



## **TOWN AND COUNTRY PLANNING ACT 1990**

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### **Section 78 Appeal by TAYLOR WIMPEY (UK) LTD**

OUTLINE APPLICATION FOR UP TO 195 DWELLINGS, TOGETHER WITH ASSOCIATED AFFORDABLE HOUSING, OPEN SPACE, LANDSCAPING, DRAINAGE AND PLAY SPACE FACILITIES. ALL MATTERS RESERVED BAR ACCESS WHICH IS PROPOSED FROM BARKBY ROAD.

**Land North of BARKBY ROAD, SYSTON**

**PLANNING APPLICATION REF: P/21/2639/2**

**APPEAL REFERENCE: APP/X2410/W/23/3325902**

**CHARNWOOD BOROUGH COUNCIL**

**PROOF OF EVIDENCE**

24<sup>th</sup> October 2023

by  
Liam Ward  
Principal Planning Officer at Charnwood Borough Council



# Charnwood Borough Council's Proof of Evidence

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In this Proof of Evidence reference is often made to other documents in the format **(CD x.xx)**. This is a reference to a “Core Document”, which can be viewed on this Public Inquiry’s dedicated web page. [Link to Core Documents](#).



## 1. Introduction

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- 1.1 This appeal relates to an outline planning application for permission to develop lands at the south-eastern edge of Syston for up to 195 dwellings. All matters are reserved, except for access. The site lies outside the Limits of Development defined in the extant development plan. It is a draft housing allocation site in the emerging development plan.
- 1.2 The consideration of the application is described in detail within the Committee Report presented to Charnwood Borough Council's Plans Committee on 17<sup>th</sup> August **(CD 4.01)**. Since that report was drafted further information has emerged, such that the planning balance discussed in that report has altered. That reassessment was described in the Statement of Case submitted to this appeal by Charnwood Borough Council on 12<sup>th</sup> September **(CD 9.03)**. The local planning authority has now withdrawn all of the draft reasons for refusal.
- 1.3 The applicant, and the appellant is "Taylor Wimpey (UK) Ltd"

## Author

- 1.4 This evidence is presented on behalf of Charnwood Borough Council (CBC) by me, Liam Ward. I have been acting as a Principal Planning Officer at CBC since January 2023. I am a member of the Royal Institute of Town Planning and have been a professional in a planning environment for more than 30 years. Most of my career has been spent in the private sector, and most of that work was promoting development proposals. I have participated in more than 200 planning appeals, with roughly half of those involving in-person hearings. In addition, I have submitted, or managed the submission of roughly 6,000 planning applications, with around 300 of these being for major residential developments. I have given evidence in planning based Judicial Reviews, participated in Local Plan Examinations, and in Public Inquiries amongst other professional planning work.
- 1.5 The evidence which I have prepared and provide for this appeal reference APP/X2410/W/23/3325902 in this proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.



## 2. Non-determination of the Application

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- 2.1 The subject planning application, made valid by the end of 2021, had not been determined by the date of submission of the appeal under section 78 of The Town & Country Planning Act 1990. Whilst many of the consultee responses had been received by the local planning authority during the early part of 2022, the local highway authority (LHA), Leicestershire County Council responded on 18<sup>th</sup> March 2022 to ask for more time to consider the proposal. Further responses from the LHA on 13<sup>th</sup> May 2022 (**CD 3.10**), 4<sup>th</sup> October 2022 (**CD 3.16**), 27<sup>th</sup> January 2023 (**CD3.18**), 24<sup>th</sup> March 2023 (**CD 3.21**) and 13<sup>th</sup> April 2023 (**CD 3.22**) expressed dissatisfaction with the applicant's submissions which preceded them, and asked for further information to be provided.
- 2.2 In each case the applicant (as they were then) agreed to submit additional information and agreed extensions of time with the local planning authority to determine the application, up to 21<sup>st</sup> April 2023. The applicant's response to the latest of the LHA's requests for further information on 13<sup>th</sup> April (**CD 3.22**) was dated 28<sup>th</sup> June and submitted on 29<sup>th</sup> June 2023 (**CD 2.18**). The non-determination appeal was submitted on 13<sup>th</sup> July, being a date within the 21 days described in Section 22(3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), meaning that the key consultee response was not available on the date of the appeal.
- 2.3 Based on the chronology of events described above, any decision taken by the Local Planning Authority (LPA) between the agreed extension of time and the submission of the appeal would have been a refusal of planning permission, on the basis described in the Committee Report.
- 2.4 A "Substantive Response" was made by the LHA on 17<sup>th</sup> August (**CD 3.26**), which reported in its opening paragraph:
- The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report*
- 2.5 During the weeks after that response the appellant has engaged directly with the LHA to question the conditions and obligations described therein. That



conversation led the LHA to vary the obligations sought on 15<sup>th</sup> September. A further revision to the justification was offered by the LHA on 4<sup>th</sup> October (**CD 9.06**).

*Table 1 - Schedule of events*

<b>Date</b>	<b>Event</b>
20 <sup>th</sup> Dec '21	Planning application Validated
13 <sup>th</sup> July '23	Non-determination appeal made
17 <sup>th</sup> Aug'23	"Substantive Response" ( <b>CD 3.26</b> ) from the local highway authority
17 <sup>th</sup> Aug '23	Charnwood Plans Committee meeting
5 <sup>th</sup> Sep '23	Charnwood Statement of Case submitted
15 <sup>th</sup> Sep '25	Leicestershire County Council developer contributions request and CIL justification statement submitted ( <b>CD 9.02</b> )
20 <sup>th</sup> Sep '23	Revised Location Plan and Masterplan submitted
4 <sup>th</sup> Oct '23	Revised LCC CIL statement submitted ( <b>CD 9.06</b> )
6 <sup>th</sup> Oct '23	Charnwood commentary on revised LCC CIL statement submitted ( <b>CD 9.07</b> )

- 2.6 Based upon the latest LCC CIL statement (4<sup>th</sup> October) (**CD 9.06**) Charnwood Borough Council is satisfied that the sums requested, and the justification used is compliant with the limitations described in Regulation 122 of the Community Infrastructure Regulations 2010 (as varied).



### 3. The Proposal as Varied

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#### Revised Masterplan

- 3.1 In response to matters raised by the LPA during the processing of the application and the appeal the appellant has submitted a revised Concept Masterplan on 20<sup>th</sup> September '23. There are two noteworthy differences between the version of the masterplan which was current at the date of the Committee Report (drawing 003 rev F) **(CD 1.04)** and the revised version (drawing 003 rev H) **(CD 8.03)**.
- 3.2 Firstly, the position of the access has been changed to reflect that shown on Drawing 20060-02 Rev F **(CD 2.14)**, which is the technical drawing showing the proposed access and right-turn lane. The position of the access had been roughly 10m further west on the previous masterplan.
- 3.3 Secondly, provision has been made in the revised masterplan for the enhancement of the access's priority junction such that a roundabout **(CD 2.15 page 12)** could be developed in place of the right turn lane when the lands to the south of Barkby Road are developed (emerging allocation DS3(HA1)). Some of the traffic from the HA1 housing allocation site would flow through that junction, should a planning application be approved, and development commenced. The access to site HA1 will form part of the master planning and design coding required by the emerging policy DS3(HA1).
- 3.4 The promoter of HA1 is the appellant in this case, which suggests that the land ownership relating to future junction improvement would not be problematic, but the LPA must be assured that the lands in the emerging allocation are not blighted in the event that a change of ownership or control arises at some later date.
- 3.5 The appellant has agreed to enter into a legal agreement with the LHA and the LPA in order to protect the opportunity to improve the junction. The lands involved are described on the Key of the revised masterplan as "Land to be dedicated as public highways". A Plan identifying an area of land to be protected by a Deed of Dedication was tabled by the appellant on 23<sup>rd</sup> October 2023. Preliminary discussions suggest that the area identified may be insufficient given that the design of the roundabout, and consequential highways works on the limbs to that junction, are not yet in a final approved design configuration. That design will be



part of a future ha1 planning application, and may be difficult to define graphically at this stage, and so further discussions are necessary before the draft s106 agreement can be finalised.

## Revised Location Plan

- 3.6 The appellant noticed that the red line defining the application site included a narrow strip of land which is not within their control. The explanation offered was that the draftsman had picked the wrong line from an Ordnance Survey based map. The revised Location Plan (drawing 001 rev C) **(CD 8.01)** reduces the extent of the red line area such that the revised boundary is on the centre line of a field boundary hedge.
- 3.7 It is the opinion of the LPA that no third party is prejudiced by this change, and that it is not material in the context of an outline planning application.

## 4. Planning History

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- 4.1 Rather than repeating the planning history which the council thinks to be material to this consideration, we refer the reader to the Committee Report **(CD 4.01)**.

## 5. Planning Policy Context

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- 5.1 The reader is invited to review the Committee Report, the Statements of Case **(CD 9.01)**, **(CD 9.03)** and the Statement of Common Ground for a detailed analysis of the Development Plan policies most important to the determination of this appeal, and other material considerations

## Draft Charnwood Local Plan 2021-2037 (submitted Dec '21)

- 5.2 Further to the description of the process of preparing the next Local Plan described in the Council's Statement of Case some further progress has been made. The public consultation on the matters raised by the examining Inspectors



in their letter of 23<sup>rd</sup> May '23 (**CD 10.09**) commenced on 27<sup>th</sup> September<sup>1</sup>, and will run for a period of six weeks, following which the Inspectors will reflect upon the updated position.

5.3 Following that consultation period, the Inspectors are likely to report to the Local Planning Authority recommending “main modifications” prior to adoption. At that stage those emerging policies which do not require modification will carry significant weight. The timing of this report is in the Inspectorate’s gift, but it is the council’s expectation that the report will emerge soon after the target decision date in this appeal.

5.4 The illustrative timeline in Table 2 envisages that the consultation on main modifications will begin in December, and that an extra two weeks would be added to the normal six-week consultation period in order to provide for the winter holiday period.

5.5 It is anticipated that the draft Charnwood Local Plan 2021-2037, as modified (if necessary), will be adopted during Q1 2024.

5.6 In accordance with paragraph 48 of the NPPF the weight given to relevant policies in emerging plans may increase as that plan reaches different stages. It is conceivable that some of the most relevant policies will have increased weight before the Inspector’s decision is made. The Council reserves the right to provide updates on that progress during the course of the appeal, as necessary and relevant to this appeal.

**Table 2:** Estimated programme of events toward adoption of emerging Charnwood Local Plan

Event	
Sept '23	
Oct '23	Consultation on Exam 56 and Exam 57
Nov '23	
Dec '23	Consultation on Main Modifications
Jan '24	
Feb '24	Publication of Inspector's Report
Mar '24	Adoption

## 6. Matters Which Have Changed Since the Committee Report

<sup>1</sup> [Examination Latest News - Charnwood Borough Council](#)





## Highway Obligations

- 6.1 Further to receipt of the LHA's substantive response on 17<sup>th</sup> August 2023 (**CD 3.26**) the LPA asked our colleagues in the County Council to support the sum requested with evidence and narrative. The appellant separately engaged with the LHA, and following a series of conversations a final revised statement of justification and compliance with the CIL regulations was issued on 4<sup>th</sup> October 2023 (**CD 9.06**). The sum of money sought is significantly lower than that sought in the 17<sup>th</sup> August 2023 document (**CD 3.26**), and now includes junction improvements, which were initially additional to the requested contribution under LCC's Interim Charnwood Transport Contribution Strategy.
- 6.2 The "Local Highway Mitigation" contribution now requested by LCC is £263,991.

## Highway Conditions

- 6.3 Amongst the recommended planning conditions the Highways Authority had asked for two off-site junctions to be improved in their substantive response of 17<sup>th</sup> August. Since that date no revised schedule of suggested conditions has been issued, but the method by which the highway capacity improvements, thought necessary and arising from cumulative development sites, has been changed. The statements by LCC on CIL compliance, and in particular the latest of those dated 4<sup>th</sup> October 2023 (**CD 9.06**), describe financial contributions toward highway capacity improvements instead of a requirement for the developer to undertake off-site works. The contribution sought from this appellant is a percentage of the total cost of work at the same junctions included in proposed conditions 4 and 5 in that 17<sup>th</sup> August 2023 response (**CD 3.26**).
- 6.4 Therefore, in the schedule of draft conditions tabled by the LPA in respect of this appeal, the draft conditions drawn from the substantive response from the LHA will exclude its proposed conditions 4 and 5.

## Archaeology

- 6.5 An interim report on the archaeological excavations on the appeal site was dated 27<sup>th</sup> Sept 2023 and received by the LPA on 6<sup>th</sup> October 2023 (**CD 2.19**). It records that there were finds of archaeological interest across the site area, with some features of Roman date discovered in the southern field. The appellant's



archaeologist suggests in their conclusion that planning conditions will be necessary which require further excavation and recording of findings from an identified part of the site.

- 6.6 A final report by York Archaeology was issued to Charnwood Borough Council at 5:21pm on 23<sup>rd</sup> October, entitled “Report on an Archaeological Trial Trench Evaluation” (CD 2.20). The report’s summary, at its fourth bullet point, records that features of Romano-British date were found on the southern field within the application site. It identifies an area, illustrated on its Figure 10, measuring circa 0.345 hectares within which further archaeological excavation and recording should be undertaken, plus a 15% area buffer. The appellant’s expert suggests that this necessary exploration can be safeguarded by the use of planning conditions.
- 6.7 The purpose of such an exploration must be to further consider the value of the findings thus far. It cannot be said at this stage whether there will be a resultant need to protect the asset in-situ. It has not been said by the expert that there will be no need for such in-situ protection.
- 6.8 The council’s experts have not had an opportunity to consider the report in detail at the date of submission of this Proof of Evidence. It is possible, in that context that additional planning conditions might be thought necessary. The Council reserve the right to update the appeal in this regard.

## 7. Planning Obligations

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### Education, Libraries and Waste Contributions

- 7.1 During the application consultation responses from Leicestershire County Council set out a suite of contributions, which are largely agreed with the Appellant (subject to the terms of a Statement of Common Ground). In response to the notice of appeal Leicestershire County Council (LCC) reviewed their consultation response and have consequently revised the contribution sum for Early Years and Primary Schools. These revised requests dated 20th July 2023 and repeated on 4<sup>th</sup> October (CD 9.06) are based upon a review of its infrastructure requirements.



Table 2 - Summary of other planning obligations to LCC

Education and early years	<p><b>Early Years - £304,250.70 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Merton Primary School or at other schools or other early learning provision within the locality of the development.</p> <p><b>Primary School Sector – £679.172.00 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Merton Primary School or any other school within the locality of the development</p> <p><b>Secondary School Sector - £0 contribution</b> towards provision. Wreake Valley Academy has sufficient surplus capacity.</p> <p><b>Post 16 Sector –</b> It is confirmed that <b>no contribution</b> is required from this sector.</p> <p><b>Special needs School Sector – £110,074.44 contribution</b> towards provision, improvement, remodelling or enhancement of education facilities at Ashmount School or any other school within the locality of the development improving capacity at SEN school.</p>
Libraries	<p><b>£5,888.55</b> contribution towards the enhancement of Syston Library</p>
Waste	<p><b>£10,076.65</b> is required to contribute towards waste management at the HWRC at Mountsorrel.</p>

- 7.2 Charnwood Borough Council, and the appellant are agreed that the contributions requested above are compliant with the CIL Regulations.

## Healthcare Contributions

- 7.3 The Leicester, Leicestershire & Rutland Integrated Care Board to Charnwood Borough Council, as the competent authority in assessing the appropriate level of financial contribution arising from this appeal proposal, initially asked for a contribution of £63,952.32 on 22nd July 2022. They now seek to revise that figure to £94,984 (**CD 3.28**), to be applied to increasing access to General Practice services at The County Practice and the Jubilee Medical Practice. The difference between the two figures arises from the number of additional patients to be accommodated. The earlier consultation used a figure which was errant.
- 7.4 The revised figure of £94,984 is now agreed between the main parties as being appropriate and CIL compliant.



## Highway Contributions

- 7.5 The 4<sup>th</sup> October 2023 letter from LCC Highways to the Inspectorate (**CD 9.06**), schedules a series of financial obligations sought by the county council in respect of highways and transportation matters, as set out below.

Travel Packs	<b>£10,305.75</b> toward travel packs which will encourage safe and sustainable transport, at £52.85 per dwelling
Bus Passes	<b>£140,400</b> toward bus passes, at 2 passes per dwelling at £360 per pass
Travel Plan Monitoring	<b>£6,000.00</b> toward STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring
Local Highway Mitigation	<p><b>£59,841</b> as a 13.9% part (195 houses out of 1406 houses for the cumulative group HA1, Ha2 &amp; HA3) toward the costed £430,510 junction scheme costs</p> <p><b>£196,650</b> as 43.7% (195 out of 446 dwellings for the cumulative group HA2 and HA3) toward the public transportation costs of £450,000.</p> <p><b>£7,500</b> toward necessary Traffic Regulation Orders.</p>

- 7.6 All of the other contributions sought by the Highway Authority are agreed by the Appellant and considered by the Local Planning Authority to be CIL compliant.

## Deed of Dedication

- 7.7 In order to make provision for the alteration of the means of access from the proposed right-turn lane priority junction, to a roundabout at a future date, to serve allocation site HA1, the appellant has agreed to dedicate the required lands from the appeal site for that purpose. A possible technical design of this roundabout has been considered by the LHA and its outer dimensions agreed (**CD 2.15 page 12**). The final design of the combined junctions, or roundabout and its landscaping, which should aim to protect the character of the rural area on approaches from the east, will be matters for a future application relating to HA1. Emerging policy DS3 (HA1) requires that a masterplan is agreed and a Design Code or Development Brief prepared for HA1 prior to the grant of planning permission. The final design of the combined junctions is therefore not resolved at this stage.



## 8. The Planning Balance

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- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the decision taker to have regard to the development plan, so far as it is material to the application.
- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 8.3 Recognising the primacy of the extant development plan in the consideration of this development proposal, this assessment begins with the degree to which the proposal is compliant with, or in conflict with the Core Strategy 2021-2028 (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy, and the Minerals and Waste Local Plan (2019). The policies were fully considered in the Committee Report and so are not repeated in detail here.
- 8.4 The proposal conflicts with saved policies CT/1, CT/2 and ST/2 of the Local Plan. It is acknowledged that these policies are out of date, in that the Borough Council cannot demonstrate a 5-year deliverable housing land supply (currently 4.27 years), but that is not to say that they carry no weight. In so far as these policies limit the supply of housing, in the context of a land supply deficit, they carry limited weight.
- 8.5 There is a conflict with policy M11 of the Leicestershire Minerals and Waste Local Plan, in that the safeguarding minerals would not benefit from the exemption relating to development lands, until the emerging Local Plan is adopted.
- 8.6 The conflict with saved policies CT/1, CT/2 and ST/1 of the Local Plan, and policy M11 of the Leicestershire Minerals and Waste Local Plan are weighed in the planning balance. The conflict is weighed against the emerging policy DS3, which allocates the site for housing and is likely to be adopted in the Charnwood Local Plan in Spring 2024. At the date of this Proof policy DS3 carries only limited weight, but that may change during the course of this appeal. The conflict is also weighed against the current lack of 5-year housing land supply in the Borough. The County Minerals Authority do not object to the emerging allocation or the appeal proposal.



- 8.7 The concern relating to archaeological potential of the site as set out in the Committee Report is currently being addressed by the Appellant. A Written Scheme of Investigation has been agreed between the Appellant and the Council, and trial trenching has been completed. The interim report from the appellant's archaeologist **(CD 2.19)** suggests that planning conditions which require some further excavation and investigation will be sufficient to allow the heritage impacts of the scheme to be understood, in accordance with NPPF paragraphs 194, 195 and 203, and policy CS14 of the Core Strategy 2015 and emerging policy EV8 of the draft Local Plan 2021-37. The final report **(CD 2.20)** was received yesterday. Its conclusions and recommendations appear broadly similar with those in the interim report. The Borough Council must consult upon the revised submission, and reserves its position pending the outcome of that consultation.
- 8.8 In this appeal, the material considerations of NPPF paragraph 11d and the emerging Local Plan are significant in the planning balance. The development plan process has identified the appeal site as a housing allocation under emerging policy DS3 (site HA3). Based upon the concluded hearing sessions, there is a high likelihood that this site allocation will become an adopted housing allocation a few months after this appeal is determined.
- 8.9 The Local Highways Authority confirmed on 17<sup>th</sup> August 2023 **(CD 3.26)** that it is satisfied with the proposal, subject to planning conditions and obligations. Their later revisions to their position, culminating in the statement dated 4<sup>th</sup> October 2023 **(CD 9.06)** will result in a change to the suggested conditions, and to the financial obligations, but the LHA's assessment that the proposals satisfy the requirements of the NPPF's paragraph 111 is not altered.
- 8.10 In accordance with paragraph 111 in the NPPF, development should only be refused permission on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways Authority considers that there would not be an unacceptable impact.
- 8.11 The Planning Authority's latest position on a supply of deliverable housing land is that there was a 4.27-year supply on 1st April 2023 **(CD 10.15)**. Footnote 8 in the NPPF, referencing its paragraph 11d advises that in such circumstances, where the proposal involves the provision of housing, the most important policies for determining the application are out-of-date. The policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The



NPPF paragraph 11d guides decision makers to grant permission unless one, or both limbs of exception tests are satisfied.

- 8.12 The second exception, at 11d(ii) would require that “any adverse impacts [arising from granting permission] would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.”
- 8.13 Based on the assessments made by the council’s expert consultees and planning officers there are no adverse impacts, that could not be mitigated by planning conditions, which are so significant that they would outweigh the benefits arising from the contribution which the proposal would make to the affordable and market housing supply proposed. Informed by the extant policies, emerging policies in the draft Charnwood Local Plan 2021-37 and the Framework taken as a whole, in this instance, the tilted balance in favour of granting permission outweighs the extant policies which limit the supply of housing land, and which are out of date.



## Appendix 1 - Draft Planning Conditions

Section 70(1)(a) of the Act enables the local planning authority in granting planning permission to impose “such conditions as they think fit”. This power must be interpreted in light of material considerations such as the National Planning Policy Framework, and relevant case law. In the context of this appeal, the Secretaries of State or their Inspectors are empowered to grant permission with planning conditions by sections 77, 79, 177, and Schedule 6 of the Act.

Should the appeal be allowed, and without prejudice to the consideration of the evidence presented to the Inspector, Charnwood Borough Council contends that the following planning conditions are necessary, relevant to planning, relevant to the development proposed, enforceable, precise and reasonable in all other respects:

<b>Draft Planning Conditions</b>	
<b>1</b>	<p>Application for approval of all the reserved matters shall be made to the local planning authority not later than three years from the date of this permission, and the development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved</p> <p><b>REASON:</b> To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended)</p>
<b>2</b>	<p>Details of the layout, scale, appearance, and landscaping (hereinafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.</p> <p><b>REASON:</b> To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country</p>





	<p>Planning (Development Management Procedure) (England) Order 2015 (as amended).</p>
<b>3</b>	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and details:</p> <ul style="list-style-type: none"> <li>• P20-3155 001 Rev C Sheet No: 1 (Site Location Plan)</li> <li>• 20060-02 Rev F (Site Access Plan)</li> <li>• RSC/EB/DL/22014 (stage 1 road safety audit, Section 4 recommendations) (19<sup>th</sup> October 2022)</li> <li>• SJT/JLA/RM/RT 20060-02b (residential travel plan) (23<sup>rd</sup> Sept 2021)</li> </ul> <p>The development shall be carried out in general accordance with the following approved plan:</p> <ul style="list-style-type: none"> <li>• P20-3155 003 Sheet No: 1 Rev: H (Concept Masterplan)</li> </ul> <p><b>REASON:</b> For avoidance of doubt</p>
<b>4</b>	<p><b>Landscape:</b></p> <p>Notwithstanding the approved Concept Masterplan (P20-3155 003 Sheet 1 Rev H), the landscaping and layout details submitted pursuant to condition 2 shall accord with all the recommendations and conclusions of the Landscape and Visual Appraisal (EDP, Dec 2021) (sections 5, 6 and 7) and Plan EDP L8: Landscape Strategy EDP4685_d032a to mitigate the identified adverse effects of the development.</p> <p><b>REASON:</b> To mitigate the identified adverse landscape and visual impacts of the proposal in accordance with policies CS2 and CS11 of the Core Strategy (2015) and Policies DS5 and EV1 of the draft Charnwood Local Plan (2021-37).</p>
<b>5</b>	<p><b>Ecology and Trees:</b></p> <p>Notwithstanding the approved Concept Masterplan (P20-3155 003 Sheet 1 Rev H), the landscaping and layout details submitted pursuant to condition</p>



	<p>2 shall accord with the recommendations and conclusions in Sections 4 and 5 of the Ecological Appraisal (EDP, Nov 2021) as updated by the Biodiversity Net Gain Assessment Technical Note (EDP, October 2022), the Arboricultural Impact Assessment (EDP, Nov 2021) and the Tree Removal and Retention Plan (edp-4685_d031b), to mitigate identified impacts and enhance the site where possible and deliver a minimum of 10% net gain in biodiversity.</p> <p><b>REASON:</b> To conserve and enhance the natural environment and secure net gain in biodiversity mitigate the identified adverse landscape and visual impacts of the proposal in accordance with policies CS2 and CS13 of the Core Strategy (2015) and Policies DS5, EV6 and EV7 of the draft Charnwood Local Plan (2021-37).</p>
<p><b>6</b></p>	<p>Landscape Scheme:</p> <p>The hard and soft landscaping details submitted pursuant to condition 2 shall include:</p> <ul style="list-style-type: none"> <li>• the treatment proposed for all ground surfaces, including hard surfaced areas.</li> <li>• planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site.</li> <li>• finished levels or contours within any landscaped areas.</li> <li>• any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</li> <li>• functional services above and below ground within landscaped areas;</li> <li>• all existing trees, hedges and other landscape features, indicating clearly any to be removed.</li> <li>• all proposed boundary treatments</li> <li>• position and type of bins to be provided.</li> </ul>



	<p>The approved landscaping shall be implemented by the end of the first planting season following occupation of the development.</p> <p><b>REASON:</b> To secure an appropriate landscaping scheme in accordance with policies CS2 and CS11 of the Core Strategy (2015) and Policies DS5 and EV1 of the draft Charnwood Local Plan (2021-37).</p>
<p><b>7</b></p>	<p>Levels details:</p> <p>The details submitted pursuant to condition 2, shall include full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels. The development shall be carried out in accordance with the approved levels.</p> <p><b>REASON:</b> In order to ensure that development proposals conserve and enhance the character of the area and ensure that new development is of a high quality and respects the character and amenity of the locality, in accordance with Policies CS2 and CS11 of the Core Strategy (2015) and Policies DS5 and EV1 of the draft Charnwood Local Plan 2021-37</p>
<p><b>8</b></p>	<p>Open space requirements:</p> <p>The layout and landscaping details submitted pursuant to condition 2, shall include the following minimum amounts and typologies of open space:</p> <ul style="list-style-type: none"> <li>i. Multi-function green space (minimum 0.66Ha)</li> <li>ii. Natural and semi-natural open space (minimum 0.94Ha)</li> <li>iii. A LEAP facility</li> </ul> <p><b>REASON:</b> In order to ensure that development proposals contribute to the open space needs of the community served, in accordance with Policies CS15 and CS11 of the Core Strategy (2015) and Policies DS5 and EV9 of the draft Charnwood Local Plan 2021-37</p>



<p><b>9</b></p>	<p>Home standards:</p> <p>Pursuant to condition 2, the details to be submitted shall include that 10% of new market homes will meet the Building Regulations Part M4(2) standard for being accessible and adaptable. The affordable homes on the site shall meet the M4(2) and/or M4(3) standards for being suitable for wheelchair users, subject to assessment of viability and/or site-specific constraints.</p> <p><b>REASON:</b> In meet the needs of the ageing population and people with disabilities and to secure high design quality, in accordance with Policies CS2 of the Core Strategy (2015) and Policies DS5 and H2 of the draft Charnwood Local Plan (2021-37)</p>
<p><b>10</b></p>	<p>Space standards:</p> <p>Pursuant to condition 2, the details to be submitted shall show all units in compliance with the Nationally Described Space Standards.</p> <p><b>REASON:</b> In order to ensure that development proposals are of a high design quality, in accordance with Policies CS2 of the Core Strategy (2015) and Policies DS5 and H3 of the draft Charnwood Local Plan (2021-37)</p>
<p><b>11</b></p>	<p>LLFA condition 5</p> <p>Pursuant to condition 2, the details submitted shall include revised flood modelling against the proposed layout demonstrating sufficient flood risk mitigation is to be provided by the development. The development shall be carried out in accordance with the approved details.</p> <p><b>REASON:</b> To demonstrate that the surface water model's results and conclusions are maintained once detailed proposed level information and plot layouts are included, In order to ensure that development proposals contribute to the conservation and enhancement of the natural environment, and to protect the amenity and safety of nearby existing and future residents, in accordance with Policies CS2 and CS16 of the Core Strategy</p>



	(2015) and Policies DS5, CC1, CC2 and CC4 of the draft Charnwood Local Plan 2021-37, and Section 14 of the National Planning Policy Framework
<b>12</b>	<p>Archaeology</p> <p>Pursuant to condition 2, the details submitted shall include the results of the further archaeological excavation and recording, arising from the results of the Report on an Archaeological Trial Trench Evaluation (York Archaeology, YA/2023/217), on the southern field identified in Figure 10 of the Report, completed in accordance with a written scheme of investigation (WSI), which has been approved by the local planning authority in writing. The WSI shall include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works</li> <li>• The programme for post-investigation assessment and subsequent analysis, publication &amp; dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.</li> </ul> <p>For land that is included within the WSI, no development shall take place other than in accordance with the agreed mitigation.</p> <p><b>REASON:</b> To ensure satisfactory archaeological investigation, recording, dissemination, and archiving, in accordance with Policy CS14 of the Core Strategy (2015) and Policy EV8 of the draft Charnwood Local Plan (2021-37) and Section 16 of the National Planning Policy Framework</p>
<b>13</b>	<p>Ground Gas Mitigation Report</p> <p>Pursuant to condition 2 the details to be submitted shall include a <b>Detailed Design Report</b> for Ground Gas Mitigation, as described in the submitted Ground Gas Risk Assessment (RSK, May 2018 section 8). The report shall</p>



	<p>be submitted to, and approved in writing by the local planning authority prior to the construction of any dwellings. The report shall be in accordance with BS8485, and shall include as a minimum:</p> <ul style="list-style-type: none"> <li>i. Ground conditions and gas conceptualisation (severity of gas regime and sensitivity of proposed end-use)</li> <li>ii. Building and construction related details pertinent to the design of gas mitigation system/measures including, but not limited to; foundation type, floor slab, wall construction and any complex detailing.</li> <li>iii. Gas protection system design that is sufficient to mitigate the gas risk and be practically installed given the building and construction related details. This is likely to include venting calculations (to demonstrate air exchange of one volume per day), specification details for products and components suitable for constructing the system, installation methodology and installer qualifications/experience.</li> <li>iv. A verification plan (prepared in accordance with CIRIA C735 and as discussed below).</li> <li>v. A monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation, proportionate to risks identified in the assessment</li> </ul> <p><b>REASON:</b> In order to ensure that development protects the amenity and safety of the people who will live there, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5 and CC4 of the draft Charnwood Local Plan (2021-37)</p>
<p><b>14</b></p>	<p>Ground Gas Remediation Scheme</p> <p>No development shall take place where (following the Detailed Design Report approved under condition 13 land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a Detailed Remediation Scheme shall have been submitted to and approved</p>



	<p>in writing by the local planning authority. The Scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The Remediation Scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.</p> <p><b>REASON:</b> In order to ensure that development protects the amenity and safety of the people who will live there, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5 and CC4 of the draft Charnwood Local Plan (2021-37)</p>
<p><b>15</b></p>	<p>Ground Gas monitoring and maintenance</p> <p>No development shall take place until a monitoring and maintenance scheme, proportionate to the risk identified in the <b>Detailed Design Report</b> (approved under condition 13) or discovered during site works, to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing within 28 days of receipt. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescale, for the necessary remediation shall be submitted to the local planning authority within a further 28 days and approved in writing within 28 days of receipt, Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.</p>



	<p><b>REASON:</b> In order to ensure that development protects the amenity and safety of the people who will live there, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5 and CC4 of the draft Charnwood Local Plan (2021-37)</p>
<p><b>16</b></p>	<p>Tree and Hedgerow Protection during construction</p> <p>No development shall take place until the existing trees on the site and existing hedgerows to be retained have been protected in accordance with a Tree and Hedgerow Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.</p> <p><b>REASON:</b> In order to ensure that development proposals contribute to the conservation and enhancement of the natural environment and to ensure that new development is of a high quality and respects the character and amenity of the locality, in accordance with Policies CS2, CS11 and CS13 of the Core Strategy (2015) and Policies DS5, EV1 and EV6 of the draft Charnwood Local Plan 2021-37</p>
<p><b>17</b></p>	<p>LLFA condition 1</p> <p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme (including details of its phased implementation) has been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and completed prior to first occupation within the relevant phase.</p>





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



	<p><b>REASON:</b> To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5, CC1, CC2 and CC4 of the draft Charnwood Local Plan 2021-37, and Section 14 of the National Planning Policy Framework</p>
20	<p>LCC condition 6</p> <p>No development shall take place until a scheme for the treatment of the Public Right of Way J37 within the development site, to the site boundary between the northeast of the site and Queniborough Road, and to the site boundary between the west of the site and north of John Frear Drive has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the management of the PROW during construction, details of surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers together with a programme for implementation of the works. The approved scheme shall be implemented in accordance with the approved scheme and implementation programme.</p> <p><b>REASON:</b> to protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework.</p>
21	<p>LCC condition 1</p> <p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.</p> <p><b>REASON:</b> To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5, CC1, CC2 and CC4 of</p>



	the draft Charnwood Local Plan 2021-37, and Section 14 of the National Planning Policy Framework
22	<p>CEMP (biodiversity)</p> <p>No development shall commence to clear the site in preparation for the development hereby permitted until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted and approved by the Local Planning Authority. The CEMP: Biodiversity shall include the following:</p> <ul style="list-style-type: none"> <li>i. risk assessment of potentially damaging construction activities, with particular care taken with protected species.</li> <li>ii. identification of biodiversity protection zones.</li> <li>iii. practical measures to avoid or reduce impacts during construction.</li> <li>iv. the location and timing of sensitive works to avoid harm to biodiversity.</li> <li>v. construction lighting proposals which are sensitive to protected species</li> <li>vi. the requirements for when an ecological clerk of works (EcoW) or similarly competent person is needed to oversee works.</li> <li>vii. the use of protective fences, exclusion barriers and warning signs.</li> </ul> <p>The approved CEMP shall be adhered to and implemented throughout the construction period unless otherwise agreed in writing by the Local Planning Authority.</p> <p><b>REASON:</b> To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife &amp; Countryside Act 1981 (as amended) and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats &amp; species. In order to ensure that development proposals contribute to the conservation and enhancement of the natural</p>



	<p>environment, in accordance with Policy CS13 of the Core Strategy (2015) and Policy EV6 of the draft Charnwood Local Plan (2021-37)</p>
<p><b>23</b></p>	<p>LEMP</p> <p>Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p><b>REASON:</b> In order to secure the development contributes to the conservation and enhancement of the natural environment, in accordance with Policies CS2, CS11 and CS13 of the Core Strategy (2015) and Policies DS5, CC2, EV1, EV6 and EV7 of the draft Charnwood Local Plan (2021-37).</p>
<p><b>24</b></p>	<p>LLFA condition 3</p> <p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.</p> <p><b>REASON:</b> To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, contribute to the conservation and enhancement of the natural environment and to ensure that new development is of a high quality and respects the character and amenity of the locality, in accordance with Policies CS2 and</p>



	CS16 of the Core Strategy (2015) and Policies DS5, CC1, CC2 and CC4 of the draft Charnwood Local Plan 2021-37, and Section 14 of the National Planning Policy Framework
<b>25</b>	<p>LCC condition 2</p> <p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access Right Turn Lane Northern Site, drawing no. 20060-02 Rev F have been implemented in full.</p> <p><b>REASON:</b> To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy INF2 of the draft Charnwood Local Plan 2021-37 and the National Planning Policy Framework.</p>
<b>26</b>	<p>LCC condition 3</p> <p>No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres to the right (eastbound approach) and 2.4 metres by 75 metres to the left (westbound approach) have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p> <p><b>REASON:</b> To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy INF2 of the draft Charnwood Local Plan 2021-37 and the National Planning Policy Framework.</p>
<b>27</b>	<p>Contamination</p> <p>Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported</p>



	<p>immediately to the local planning authority. Development on the part of the site affected shall be suspended until and a risk assessment is carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant part of development) is resumed or continued.</p> <p><b>REASON:</b> In order to ensure that development protects the amenity and safety of the people who will live there, in accordance with Policies CS2 and CS16 of the Core Strategy (2015) and Policies DS5 and CC4 of the draft Charnwood Local Plan (2021-37)</p>
<p><b>28</b></p>	<p>Site clearance timescales</p> <p>All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority</p> <p><b>REASON:</b> In order to ensure that development proposals contribute to the conservation and enhancement of the natural environment, in accordance with Policies CS13 of the Core Strategy (2015) and Policy EV6 of the draft Charnwood Local Plan (2021-37)</p>
<p><b>29</b></p>	<p>External lighting</p> <p>No permanent external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme proposed should consider the impact on protected species.</p> <p><b>REASON:</b> In order to ensure that development proposals contribute to the conservation and enhancement of the natural environment, in accordance</p>



	with Policies CS13 of the Core Strategy (2015) and Policy EV6 of the draft Charnwood Local Plan (2021-37)
<b>30</b>	<p>LCC condition 7</p> <p>The agreed Residential Travel Plan SJT/JLA/RM/RT 20060-02b dated 23rd September 2021 shall be implemented in accordance with the approved details.</p> <p><b>REASON:</b> To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy INF2 of the draft Charnwood Local Plan 2021-37 and the National Planning Policy Framework (2021).</p>
<b>31</b>	<p>Maintenance of planting:</p> <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings, or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.</p> <p><b>REASON:</b> To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with policies CS2 and CS11 of the Core Strategy (2015) and Policies DS5 and EV1 of the draft Charnwood Local Plan (2021-37).</p>



<b>Key to Use of Colours in Draft Planning Conditions</b>	
Condition text	Condition taken from LCC Highways Substantive Response
Condition text	Archaeological condition, subject to further review as evidence emerges during the appeal