

Item No. 4

**Application Reference Number P/17/0424/2**

|                          |   |                    |              |
|--------------------------|---|--------------------|--------------|
| <b>Application Type:</b> | Full  | <b>Date Valid:</b> | 7/03/2017    |
| <b>Applicant:</b>        | William Davis Ltd   |                    |              |
| <b>Proposal:</b>         | Variation of condition 7 of P/13/1826/2 relating to highway works and variation of the S106 Legal Agreement to reduce affordable housing from 30% to 25%. |                    |              |
| <b>Location:</b>         | Land off Tickow Lane<br>Shepshed<br>Leicestershire<br>LE12 9EY  |                    |              |
| <b>Parish:</b>           | Shepshed West   | <b>Ward:</b>       | Shepshed     |
| <b>Case Officer:</b>     | Andrew Thompson   | <b>Tel No:</b>     | 01509 634735 |

**Background**

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This application is being brought back to the Plans Committee following additional information submitted by the applicant and further legal advice sought by Officers.

At the Plans Committee on 1st June 2017 Plans Committee considered an application to vary condition 7 of planning permission P/13/1826/2 to substitute proposed highway improvements works with a financial contribution of £293,134.40 towards improvements to junction 23 of the M1 Motorway instead. The report explained that the S106 legal agreement would need to be varied to accommodate this change as well as a request by the applicant to change the affordable housing percentage from 30% to 25%. Members resolved to approve the variation of condition and consequential variation to the legal agreement but did not approve the proposed changes to the affordable housing percentage. At the same committee, approval for the first phase of the development (119 dwellings with 30% affordable housing) was granted planning permission under reference P/16/2143/2. The previous Committee Report is attached as an appendix.

Following the resolution of the Committee, Officers sought to complete the S106 legal agreement. During the course of these discussions, the applicant submitted further legal opinion and information relating to the Committee's resolution on the proposed amendments to the affordable housing provision.

The opinion submitted by the applicant highlights the following:

1. The Council had no policy basis upon which to resist this request
2. The Council's stance is inconsistent with their approach to the same request from Hollis Land, also in Shepshed. Noting the importance of consistency in decision making it is relevant that Hollis Land were accorded a reduction to 25%
3. William Davis Ltd is entitled to a free go application which would be a sizeable application for 380 dwellings. The costs of processing such application would fall upon the Council with no application fee to support that workload
4. That a 'free go' application may only propose 20% affordable housing in line with the adopted Core Strategy policy requirement and due to the established principle of development it must succeed, if necessary on appeal, with costs against the Council

5. In order to avoid these costs the local planning authority should be asked to reconsider the request to vary the section106 agreement to reduce the affordable housing
6. If the Council will co-operate with this suggestion, the s73 application reference P/17/0424/2 could be reported back to planning committee and the deed of variation required for the s73 application could also address the affordable housing amendment.

The legal opinion highlights that on determining the application, the local planning authority would effectively be bound to grant planning permission unless it could justify refusing it on the basis of insufficient affordable housing contribution (given that the principle of the development has been accepted by the planning permission granted under application P/13/1826/2). The local planning authority could only reasonably do this if it could demonstrate that the provision of no less than 30% affordable housing is necessary to make the development acceptable in planning terms (paras 204, 206 of the NPPF and regulation 122(2) of the Community Infrastructure Levy Regulations 2010).

The additional information also highlights that the local planning authority would be well-advised to be mindful of its fragile 5 year housing land supply position and should also have regard to NPPF para 205 which advises that local planning authorities *“should be sufficiently flexible to prevent planned development being stalled.”*

### **Description of the Proposal**

The application seeks to vary Condition 7 of planning permission P/13/1826/2, which relates to highway works at the junction of the A512 and Junction 23 of the M1 Motorway and amend the affordable housing requirements agreed under the outline planning permission from 30% to 25%.

Condition 7 states:

*“No dwelling shall be occupied until the improvement scheme shown on drawing number A069922-35-18-034 (or as amended by a Road Safety Audit or detailed design) is complete and open to traffic.”*

*Reason: To ensure that the M1 truck road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework.”*

The applicant supports the submission with the following statement:

*“Condition 7 requires minor improvements to the junction with the M1 as set out on drawing number A069922-35-18-034, and stipulates that no dwelling should be occupied until these improvements (or other improvements as amended by a Road Safety Audit or detailed design) are complete and open to traffic. During detailed design of these improvements, under S278 arrangements, the County Highway Authority and Highways England have agreed that they would prefer for these improvements to not be undertaken at the present time as they would conflict with larger scale improvement of the junction which is planned, and they would prefer to avoid piecemeal*

*improvement of the junction. It has been agreed with both parties therefore that in these circumstances they would prefer this matter to be addressed by means of an obligation to pay a contribution towards the improvement of the junction which is equivalent to the costs of the works outlined on drawing number A069922-35-18-034.*

*The agreement for the scheme to provide for 30% affordable, which was reflected in the Committee's resolution to grant approval back in November 2014, was based on the emerging Policy requirement at the time in the Draft Core Strategy. The Pre-submission draft Core Strategy (Policy CS3) set a 30% target for affordable housing for the Shepshed defined Direction for Growth, but later viability evidence presented to the Examination of the Plan (Charnwood Local Plan Viability Study 2014) suggested that the Shepshed Direction for Growth could only support a level of 25%. This was acknowledged by the Inspector in recommending adoption of the Plan and has also been recognised by the Local Planning Authority itself in amendments to the percentage of affordable housing agreed by condition at Land off Hathern Road, Shepshed (application reference P/15/1085/2 refers)."*

As the application would result in an amendment to the original planning permission under P/13/1826/2, the application is also supported by the information provided to with the original submission. This includes:

- ) Planning Statement
- ) Design and Access Statement
- ) Transport Assessment, Travel Plan and Addendum
- ) Flood Risk Assessment
- ) Archaeological Report
- ) Landscape and Visual Appraisal
- ) Drainage Strategy
- ) Tree Survey
- ) Geo-environmental Assessments
- ) Mineral Desk Study
- ) Ecological Assessment
- ) Bat Survey
- ) Bird Breeding Survey

Additional information relating to a Phase II Site Investigation and Construction Method Statement has also been submitted to seek to address planning conditions added to the original planning permission.

## **Development Plan Policies**

Charnwood Local Plan Core Strategy 2006-2028 (Adopted 9<sup>th</sup> November 2015)

Policy CS1 – Development Strategy – sets out the development strategy for the Borough. This includes focusing housing development in locations around Loughborough and Shepshed and the Leicester PUA with three Sustainable Urban Extensions. The 7 Service Centres are identified to deliver at least 3,000 houses and commitments for around 3,500 houses are recognised.

Policy CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Shepshed 20% affordable homes are sought on sites of 10 dwellings or more.

Policy CS11 – Landscape and Countryside seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquility and to maintain separate identities of settlements.

Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.

Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the open space Strategy.

Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.

Policy CS17 - Sustainable Transport - requires major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.

Policy CS18 – The Local and Strategic Highway Network – seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.

Policy CS24 – Delivering Infrastructure – seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate, off site infrastructure arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.

Policy CS 25 – Presumption in Favour of Sustainable Development – sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant policies are:

Policy ST/2 – Limits to Development – This policy seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

Policy EV/1 – Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural

features. Developments should meet the needs of all groups and create safe places for people.

Policy CT/1 General Principles for areas of the countryside, green wedge and local separation. The policy restricts new development to that which is small-scale and where it meets certain criteria.

Policy CT/2 Developments in the Countryside – indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.

Policy TR/18 – Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

### **Other material considerations**

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

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

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

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

Para 17 sets out the core principles of sustainable development

In terms of the remainder of the NPPF, relevant sections are as follows:

Section 4: Promoting sustainable transport - Para 32: All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Section 6: Delivering a wide choice of high quality homes – Para 47 requires supply of housing to be significantly boosted; Para 49 advises a presumption in favour of sustainable development if policies for the supply of housing are not up to date; Para 50 advises local planning authorities to plan for a mix of housing.

Section 7: Requiring good design - Paras. 56, 58, 63 & 64 – Development is required to achieve high quality design that respects local distinctiveness and poor design should be refused.

Section 8: Promoting healthy communities - Paras 69 and 70: Facilitating social interaction and creating healthy, inclusive communities.

On decision taking the NPPF advises:

Paras 186 and 187: Local Planning Authorities should act in a positive and proactive manner in decision making.

Paras 203-206: Sets out the tests for the use of planning conditions and obligations.

### Planning Practice Guidance

This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also sets out relevant guidance on aspects of design, planning contributions and the Community Infrastructure Levy supporting the policy framework as set out in the NPPF

### Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

### Housing Supplementary Planning Document (2017)

This document was adopted at the Cabinet meeting held on 11th May 2017 and provides guidance to support the Local Plan Core Strategy in respect of Policy CS3: Strategic Housing Needs – for affordable housing and housing mix.

### Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment and is therefore not to be relied upon at the current time, the housing mix and affordable housing evidence can be accorded significant weight as it reflects known demographic changes.

HEDNA identifies a significant increase in the need for affordable housing in the Borough. It identifies a need for 392 affordable homes per annum between 2011 and 2031 and 384 affordable homes per annum between 2011 and 2036.

## **Relevant Planning History**

P/13/1826/2 – Outline planning permission for the erection of 380 dwellings with associated landscaping, public open space and access from Tickow Lane.

Resolution to Grant 17th November 2014. S106 Signed – 27th February 2017. Decision issued – 2nd March 2017.

P/16/2143/2 – Reserved Matters submission for 119 dwellings and associated works (outline planning permission P/13/1826/2 refers). Granted 12th June 2017

## **Response of Statutory Consultees**

### Shepshed Town Council

The reduction in affordable housing should not be permitted. Developments should meet housing needs and local needs. This reduction would mean that the Council is not meeting the needs of younger people in Shepshed. 4/5 bedroom affordable houses are also required, in order to fulfil the needs of families.

### Highways England

No objection to the lowering of affordable housing contribution as this will have no impact on the Strategic Road Network.

Various discussions have been held between Leicestershire County Council (LCC) and Highways England to provide clarity over the potential delivery of a major improvement scheme at M1 Motorway J23 and the implications for proposed developments in the area which have traffic impacts on this junction. It is considered that without this infrastructure scheme in place this development would give rise to unsatisfactory impacts on the Strategic Road Network. As Leicestershire County Council has indicated that they are fully supportive of the major improvement scheme at M1 Motorway J23 and are committed to its delivery, it is considered that the risk of the scheme not being delivered is low.

Highways England confirm that they are content for Condition 7 to be removed, subject to the developer entering into an obligation to pay a contribution towards the improvement of the junction which is equivalent to the costs of the works outlined on drawing number A069922-3518-034.

### Leicestershire County Council Highway Authority

The Highway Authority are satisfied with the principal of removing Condition 7 from application reference P/13/1826/2 and have confirmed a figure of £293,134.40 would be acceptable to include within a S106 legal agreement. This would allow Leicestershire County Council to deliver Condition 7 if funding for the wider scheme (which includes mitigation for the West of Loughborough SUE, wider growth at Shepshed and the surrounding area; future growth pressures; support for the Enterprise Zone and also allows disruption for local residents to be managed and minimised) is secured. However, the deed of variation for the existing S106 legal agreement would need to be submitted and signed prior to the Highway Authority being able to advise Condition 7 could be removed.

The Highway Authority would advise the Local Planning Authority that Highways England (HE), who originally advised the condition, would also need to be satisfied with the proposals. Currently Leicestershire County Council has secured funding from the Local Growth Fund, but is awaiting further information as to whether funding from the Growth and Housing Fund has been successful.

### Housing Officer

The reduction from 30% to 25% will impact on the delivery of affordable housing to meet housing needs. With 380 dwellings proposed across the whole site a 5% reduction in Affordable Housing means a loss of 19 homes.

### Environmental Health

In general the Construction Method Statement is considered to meet standard recommendations. Consideration has been given to loading and unloading of plant and materials, parking of vehicles, routing and access, measures to control the emission of dust and dirt together with reporting procedures

The Construction Method Statement suggests that there are operational and managerial controls in place to minimise any negative impact on immediate neighbours. It is considered that the information submitted is sufficient to discharge the previous condition.

The Phase II Site Appraisal Report Ref: GRM/P6103/F.1 assessment methodology is generally sound and is in line with current technical guidance. The results obtained were compared to appropriate standards and the conclusions are acceptable.

In summary the report concluded that none of the individual contaminant concentrations exceeded the relevant Soil Guideline Values or Generic Assessment Criteria relating to contamination and land scenarios for residential dwellings with plant uptake. No sources of potential contamination had been identified and therefore no remedial measures were deemed necessary.

The results of the gas monitoring analysis however indicated that localised gas protection measures should be provided in the south eastern area of the site due to carbon dioxide.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) should be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination will be dealt with.

### **Third Party Representations**

4 letters have been received objecting on the following grounds:

- ) The current road layout around Shepshed cannot cope with the volume of traffic,
- ) Tickow Lane is a lane and not suitable for the additional traffic. The crossroads at the top of Tickow Lane onto Ashby Road are already an accident black spot

- ) The schools and doctors are already over-subscribed. There is no provision in these plans for a school or doctors surgery to be built on the development.
- ) The reduction of the social housing allowance from 30 to 25 should not be permitted
- ) There is a demand for bungalows that remains unaddressed.
- ) Development appears to have been started – hedgerows and trees have been removed

## **Consideration of the Planning Issues**

The key considerations are therefore the following:

- ) The updated and additional information
- ) Variation to Affordable Housing provision
- ) Impact on the highway network (Condition 7)
- ) Other matters raised and planning conditions

### The Council's Housing Land Supply

There is no evidence to suggest that the site is stalled or undeliverable due to viability issues in terms of paragraph 205 of the NPPF.

Since the previous plans committee the Local Planning Authority has published its updated housing land supply position which supersedes the March 2016 position. The indication is that the Council has a 4.6 years supply. This is a material planning consideration. In accordance with para 49 this means that policies for the supply of housing are out of date. The insufficient supply suggests that the need to significantly boost housing supply should be given weight.

Having regard to the housing land supply position, Policy CS1 of the Core Strategy, Policy ST/2 of the Local Plan are considered to be out of date in accordance with the NPPF and their weight is diminished from that accorded to up to date policies of the development plan.

Whilst Policy CS1 is not up-to-date, and cannot be ascribed full weight, the policy still has a role in delivering a sustainable pattern of development and in this respect accords with the NPPF and in the context of Shepshed can be afforded substantial weight.

### The Outline Planning Permission and Policy Background

The outline planning application (P/13/1826/2) received a resolution to grant planning permission in 2014 and was one of the sites promoted in the Shepshed Direction of Growth. At that time Local Plan policy set the amount of affordable housing to be sought at 30%. This was supported by evidence of viability prepared in 2012 that showed a 30% affordable housing contribution for green field sites in the Direction of Growth was viable.

Over the course of the preparation of the Core Strategy, a number of developments were approved that together totalled 1,200 dwellings; significantly exceeding the proposed 500 dwelling Direction of Growth at Shepshed. These developments were promoted and approved with 30% affordable housing in accordance with Submission Draft Core Strategy Policies CS24: Shepshed Direction of Growth and CS3: Strategic Housing Needs, which sought 30% affordable housing. As these commitments had already been made by the time of the examination in public, the

Inspector considered that there was no longer any need for a specific policy to guide growth in Shepshed and recommended Policy CS24: Shepshed Direction of Growth be deleted and Policy CS3 be amended to remove reference to the Direction of Growth.

Policy CS1 of the adopted Core strategy includes the commitment to plan positively for approximately 1,200 homes within and adjoining Shepshed to support its regeneration. However, Policy CS3 no longer makes reference to a specific percentage of affordable homes within the Direction of Growth as this development was already committed. Instead it sets a target of 20% provision 'in' the urban area of Shepshed in recognition that future supply in this location is expected to be limited to infill plots where viability is likely to be more challenging.

The Council prepared fresh evidence on the viability of its growth proposals as part of the evidence base for the Core Strategy which was published in November 2014; this indicated that the Shepshed Direction of Growth was deliverable with affordable housing provision in the region of 20-25% taking account of the required highways package of a direct link to the A512 and other Section 106 contributions. This took account of the fact that the Direction of Growth comprised of a number of distinct sites in separate ownership.

The site the subject of this application was committed prior to the adoption of the Core Strategy but was considered at the same time as the Examination in Public and evidence presented. Evidence prepared by the Council to support the Core Strategy did not provide a definitive conclusion on the amount of affordable housing capable of being delivered on this site. This can only be done on a site specific basis with detailed evidence from the applicant of which none has been forthcoming.

Policies CS1, CS3 and CS24 provide the context for making such a judgement. Policy CS1 supports sustainable development at Shepshed where, amongst other things, it contributes towards meeting remaining development needs and CS3 seeks affordable homes by having regard to market conditions, economic viability and other infrastructure requirements.

The development plan sets targets for affordable housing provision. Whilst a developer could propose more (and some developments are brought forward by registered providers), the policy does not require schemes to contain the maximum amount of affordable housing which is consistent with the scheme remaining viable.

However there are two matters which would be relevant to the question of varying the planning obligation, either on its own or as part of a further planning application. Firstly the history of the plan shows that the 20% figure was originally confined to land outside the Direction of Growth.

The Direction policy was removed because planning consents had been approved for that area so it was thought not to be necessary. The Inspector's report does not indicate that a reason for the modification was to reduce the affordable housing requirement. It appears to have been an unintended consequence of the modification that 20% affordable was now provided for.

However a second matter is that the Council's evidence before the examination pointed to a 20-25% affordability requirement in the Direction of Growth. The Inspector expressed no conclusion on the point at Shepshed, presumably because the policy

was being removed in any event and the issue of fresh consents on the approved sites was not raised.

It is considered that in view of the above, it is not reasonable to expect the development to provide 30% affordable housing and that 25% is justified on the basis of the legal opinion submitted by the applicant.

### Highways Condition 7

The upgrade and improvement programme for the M1 Motorway is currently being undertaken between junctions 23a and 25. Taking the advice of Highways England and the Leicestershire County Council, Condition 7 from application reference P/13/1826/2 can be removed and instead, a figure of £293,134.40 would be acceptable to be included within a S106 legal agreement. The deed of variation for the existing S106 legal agreement would, however, need to be submitted and signed prior to a planning permission being issued.

This would allow Leicestershire County Council to deliver the scheme previously secured through Condition 7 for the wider scheme, which includes mitigation for the West of Loughborough SUE, wider growth at Shepshed and the surrounding area. It will also provide for future growth pressures, support the Enterprise Zone and also allows disruption for local residents to be managed and minimised.

### Other matters raised and planning conditions

Several local residents have commented on the impact of the development on the highway network and services and the issues surrounding the principle of development in the area. As stated above, this application seeks to alter an existing planning permission and it has been established that the proposals were in accordance with the aims and objectives of the Direction for Growth for Shepshed under policy CS1.

Additional information relating to a Phase II Site Investigation and Construction Method Statement have been submitted in relation planning conditions 17 and 18 of P/13/1826/2. Environmental Health Officers and County Council Highways Officers confirm that the Phase 2 Ground Investigation Report and the Construction Management Plan are acceptable. Conditions 17 and 18 are therefore amended to reflect the advice of Environmental Health Officers and Highways Officers.

### Conclusion

Members will be aware that the starting point for decision making is the development plan unless material considerations indicate otherwise and therefore this application must be decided based on the adopted Development Plan policy and not a policy position that pre-dates it.

The legal advice is that the 30% figure from the submitted version of core strategy Policy CS3 would not be justified in light of the adopted development plan policies. Having carefully considered further legal advice the appropriate policy basis for considering affordable housing on this site is the adopted Core Strategy which has a 20% affordable housing requirement for Shepshed, including the application site.

Policy CS3 seeks to secure specific identified percentages in settlements across the Borough and does not require a higher value. In these circumstances the 25% offered

by the applicant is reasonable and justifiable on the basis of other material considerations (e.g. the viability evidence that supported the Core Strategy examination). It is therefore, considered appropriate to accept the conclusions of the further evidence submitted.

As previously agreed by the Plans Committee, the amendments to the relevant conditions to deliver works to Junction 23 of the M1 Motorway and revisions to the conditions relating to the Phase II Ground Investigation Survey and the Construction Management Plan are also agreed.

## **RECOMMENDATION A**

That the Head of Planning and Regeneration be authorised to complete a section 106 Deed of Variation to deliver a contribution of £293,134.40 towards works at Junction 23 of the M1 Motorway and to amend the percentage of affordable housing agreed within the existing planning permission P/13/1826/2 to 25%.

## **RECOMMENDATION B**

That subject to completion of the S106 deed of variation referred to in recommendation A, planning permission be granted subject to the following conditions:

1. Application for approval of reserved matters shall be made within two years of the date of planning permission P/13/1826/2 and the development shall be begun not later than 1 year from the final approval of the last of the reserved matters.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority: - a. layout, b. scale, c. appearance, d. landscaping, e. highway design.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. The submission of Reserved Matters shall broadly accord with the principles detailed in the revised Design and Access Statement dated May 2014 and the revised Illustrative site layout plan drawing No 3832-L-03revC

REASON: To ensure that the submission of the Reserved Matters broadly follows the approach adopted in the Design and Access Statement and the submitted illustrative layout plan.

4. No development, including site works, shall take place until a phasing scheme in respect of the residential areas/blocks, pedestrian/cycle access routes to the site, public open space, recreational and children's play areas and landscaping has been submitted to and agreed by the local planning authority. The development shall be carried out in accordance with the agreed phasing scheme.

REASON: To ensure the development and mitigation measures are adequately provided and the development is completed satisfactory.

5. The existing trees and hedges within the site and on the boundaries of the site shall be retained and shall not be felled, lopped, topped or uprooted without the previous written agreement of the local planning authority. Any trees removed, dying,

being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species as previously agreed in writing by the local planning authority within one year of the date of any such loss, for a period of 5 years from the date development begins.

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

6. No development, including site works, shall begin until the existing hedges and trees located in the application site and on the site boundaries have been protected, in a manner previously agreed in writing by the local planning authority. The hedges and trees shall be protected in the agreed manner for the duration of building operations on the application site.

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

7. Prior to the commencement of development, the applicants shall submit for approval to the local planning authority in consultation with the highway authority, full details of the proposed access arrangements and re-alignment of Tickow Lane as illustrated on White Young Green Consulting Engineers drawing numbered A06992-35-12-SK001 Revision B. Such details to include proposals appropriate signing/lining and village gateway treatment.

REASON: In the interests of highway safety and to ensure a satisfactory form of development.

8. Prior to the occupation of the 100th dwelling on the site the proposed access arrangements and the re-alignment of Tickow Lane as illustrated on White Young Green Consulting drawing numbered A06992-35-12-SK001 Revision B shall have been completed and open for use.

REASON: In the interests of highway safety and to ensure a satisfactory form of development.

9. No dwelling shall be occupied until such time as a scheme for highway signing and carriageway lining on Tickow Lane in the vicinity of the bridge over the old railway line has been implemented in accordance with details previously agreed with the local planning authority, generally in accordance with the details submitted on White Young Green Consulting Engineers drawing numbered A069922-35-18-013.

REASON: In the interests of safety at this constricted point in the highway.

10. Prior to the occupation of the 100th dwelling on the site Tickow Lane shall be widened to a minimum width of 5.5m between the A512 Ashby Road and the bridge over the old railway line. The specification of the carriageway construction and surfacing shall be to the approval of the Highway Authority.

REASON: In the interests of highway safety.

11. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development on any phasing agreed under condition 4 commences. Note: Your attention is drawn to

the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

REASON: To ensure a satisfactory form of development and in the interests of highway safety.

12. All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA within one month of the new access being brought into use.

REASON: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

13. No part of the development as approved shall be brought into use until details of an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied. The Plan shall specify facilities and measures with measurable output and outcome targets designed to:

- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site,
- Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel,
- Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.
- The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
- Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

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

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by BSP consulting (ref 13110/FRA-DS, September 2013) and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 1 in 100 year plus 30% climate change critical storm so that it will not exceed the 1 in 1 year greenfield runoff rate from the undeveloped site and not increase the risk of flooding off-site.
- Finished floor levels are set no lower than 600 mm above the adjacent 1 in 100 year plus climate change level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and ensure the satisfactory disposal of surface water from the site.

15. No development on any phasing agreed under condition 4 shall take place until a surface water drainage scheme for the phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion.
- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.

REASON: To prevent the increased risk of flooding, both on and off site. No development, including site works, shall take place until details of the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use.

16. No development on any phasing agreed under condition 4 shall not commence until drainage plans for the disposal of foul sewage for the phase have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON: To ensure that the development is provided with a satisfactory means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

17. The development shall be carried out in accordance with the submitted Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure that there are no significant highway safety issues arising from the development of the site and that the amenities of neighbouring residents are protected during construction and the natural resources of the site are protected during construction.

18. The development shall be carried out in accordance with the recommendations of Phase II Site Appraisal Report Ref: GRM/P6103/F.1. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) should be carried out until the developer has submitted, and

obtained written approval from the Local Planning Authority detailing how this unsuspected contamination will be dealt with.

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

19. No development in any phasing as agreed under condition 4, including site works, shall take place until a landscaping scheme for the respective phase, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

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

REASON: To ensure the development is completed in a satisfactory manner in the interests of amenity.

20. The landscaping schemes for the development shall be fully completed, in accordance with the details agreed under the terms of condition No 20, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To ensure the landscaping scheme is completed in the interests of the amenities of the area.

21. No development, including site works, shall take place until a Green Infrastructure Biodiversity Management Plan, including long term design objectives, management responsibilities and maintenance schedules, including ecological measures for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed Green Infrastructure Biodiversity Management Plan shall then be fully implemented.

REASON: To ensure there is appropriate future management of the landscaped and open space areas of the development in the interests of amenity.

22. The details to be submitted in accordance with Condition No.3 shall include open space/children's play area provision at a rate of 200 square metres per 10 dwellings of which 75 square metres per 10 dwellings must include play equipment.

REASON: To make sure that adequate open space is provided in accordance with the requirements of Policy RT/3 of the Local Plan.

23. The details to be submitted in accordance with Condition No.3 shall include open space provision for recreational use by adults, youth and general amenity use.

REASON: To make sure that adequate open space is provided in accordance with the requirements of Policy RT/4 of the Local Plan.

24. No development, including site works, shall take place until a scheme of public art within the built fabric of the development, including its future management and a timetable for its implementation, has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be fully implemented in accordance with the agreed timetable.

REASON: To ensure the design of the development is of high quality and meets the requirements of Policy EV/43 of the Local Plan.

The requirements of these conditions must be complied with.

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

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

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

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

2.The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) ) Order 2010 (as amended).

3. All construction work should be carried out in such a manner as to minimise the risk of dust or noise nuisance to neighbouring residential properties. Application of standard dust control measures as detailed in the Building Research Establishment (BRE) document "Control of Dust from Construction and Demolition Activities": 2003 should be followed.

There should be no burning of waste on site.

There should be no audible construction noise beyond the site boundary before 7:30 am or after 5:00 pm Monday to Friday or before 8:00 am or after 12 noon Saturday, with no working on Sundays or bank holidays.

4. Your attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.

5. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.

6.You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

7. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

8. If the applicants do not wish to seek adoption of the roads, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 3057198.

9. Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SUDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SUDs features associated with the development. Please e-mail [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk) if you wish to discuss further.

10. The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highway Agency's Section 278 Business Manager David Steventon to discuss these matters on [david.steventon@highways.gsi.gov.uk](mailto:david.steventon@highways.gsi.gov.uk)

11. Any works undertaken to the Highways England network shall be carried out under the Network Occupancy Management Policy, in accordance with HA procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is [area7.roadspace@aone.uk.com](mailto:area7.roadspace@aone.uk.com)

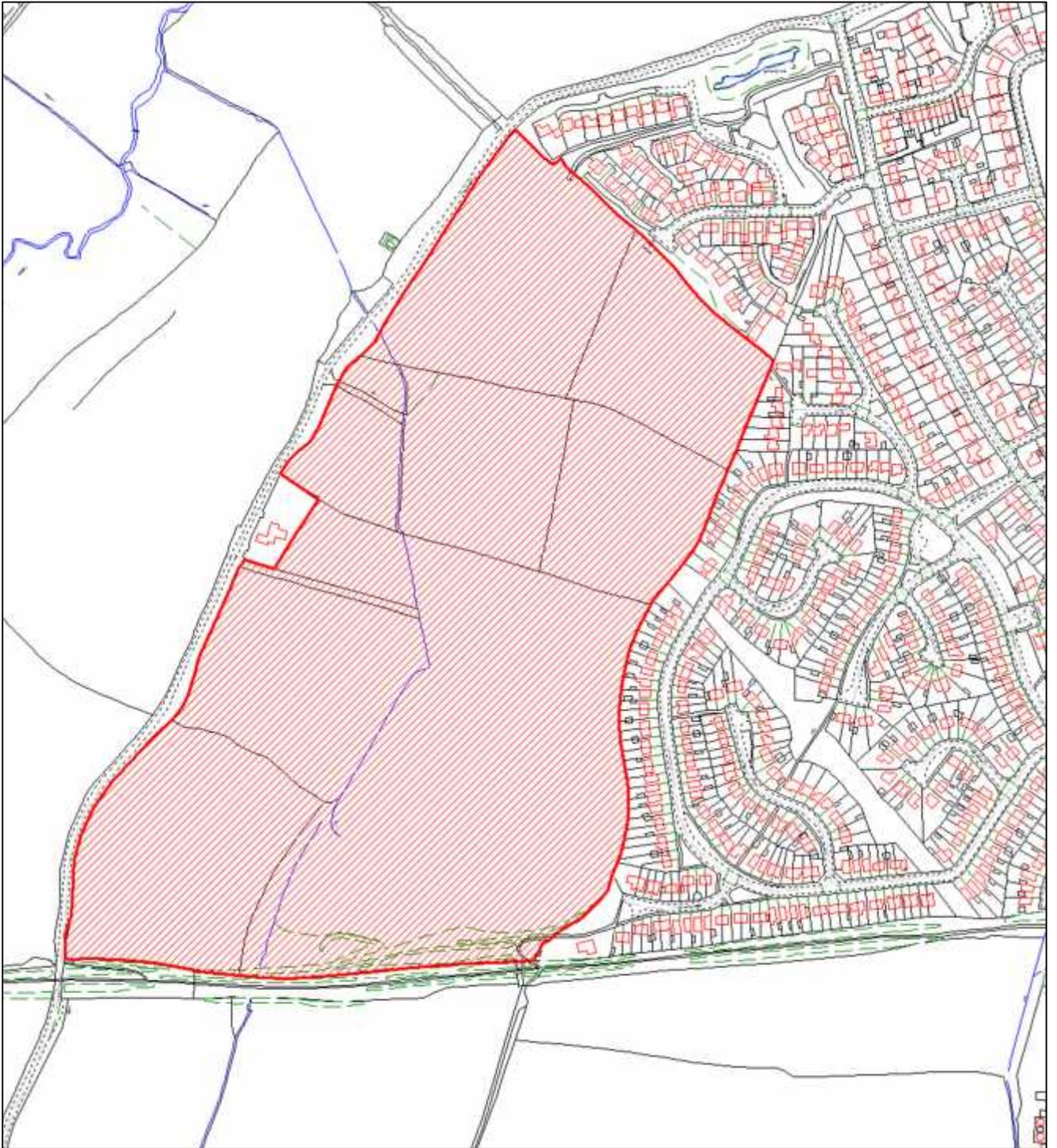
12. Public Footpath J62 through the proposed development site should be provided with a 2m wide all weather surface with 1m grass verges either side. The specification of the surfacing should be agreed with the Charnwood Area Rights of Way Inspector (0116 305 0001).

Any trees or shrubs which are proposed to be planted adjacent to the Public Footpath should be set back by a minimum of 3 metres and be species which do not spread.

Waymark posts should be installed at locations agreed with the County Council.

No new gates or other structures affecting the footpath should be constructed without prior approval of the County Council's Travel Choice and Access Team (0116 305 0001).

The Public Footpath must not be further enclosed in anyway without further discussions with the County Council's Travel Choice and Access Team.  
The footpath must not be re-routed, encroached upon, or obstructed in anyway. To do so may constitute an offence under the Highways Act 1980.



**APPENDIX – PREVIOUS REPORT TO PLANS COMMITTEE**

**Application Reference Number P/17/0424/2**

**Application Type:** Full **Date Valid:** 7/03/2017  
**Applicant:** William Davis Ltd  
**Proposal:** Variation of condition 7 of P/13/1826/2 relating to highway works and variation of the S106 Legal Agreement to reduce affordable housing from 30% to 25%.  
**Location:** Land off Tickow Lane  
Shepshed  
Leicestershire  
LE12 9EY  
**Parish:** Shepshed West **Ward:** Shepshed  
**Case Officer:** Andrew Thompson **Tel No:** 01509 634735

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**Description of the site**

The application site is located on the western edge of Shepshed immediately bordering the current extent of built development on Conway Drive. The site has the benefit of planning permission for 380 homes (P/13/1862/2). The total site area is approximately 23.3 hectares and is currently used for agricultural purposes. It comprises nine separate fields and two small copses of trees. The land stretches from the rear gardens of properties on Conway Drive to the east to Tickow Lane to the west and from a public footpath running along the northern boundary linking Banbury Drive with Tickow Lane to a former railway line. The former railway line now accommodates a public trail to the south.

The majority of the field boundaries comprise hedgerows with some individual trees and in the south and the north-west adjacent Tickow Lane are located two small copses. The land falls away from the eastern, western and southern boundaries to form a bowl with ground levels generally decreasing to the north.

Beyond Tickow Lane the land generally falls to the west, down to the Black Brook corridor. To the north is land with the benefit of planning permission for 85 dwellings (P/11/2697/2 Outline planning permission and P/13/0767/2 Approval of reserved matters).

The southern boundary is formed by the former railway. This is at a higher level than the application site in the south east but falls below the site in the south west to pass under Tickow Lane with a further pedestrian link onto the Lane itself.

Almost at the midpoint of the eastern boundary is a small area of public open space on Conway Drive. This extends across Conway Drive in a south easterly direction. This land contains an aqueduct which has a 12 metre easement (6 metres either side). This extends across the application site to Tickow Lane and beyond. A further aqueduct with a similar easement is located parallel with the southern boundary.

*The application site is located in open countryside immediately outside and adjacent to the current Limits to Development for Shepshed. However the site is within the direction of growth identified in the submission version of the Core Strategy and subsequently engrossed within the development strategy for the Borough by the Local Plan Inspector in finding the Core Strategy sound in 2015. The site is also located within 2 kilometres walking distance of Shepshed town centre.*

### **Description of the Proposal**

*The application seeks to vary Condition 7 of planning permission P/13/1826/2, which relates to highway works at the junction of the A512 and Junction 23 of the M1 Motorway and amend the affordable housing requirements agreed under the outline planning permission from 30% to 25%.*

*Condition 7 states:*

*“No dwelling shall be occupied until the improvement scheme shown on drawing number A069922-35-18-034 (or as amended by a Road Safety Audit or detailed design) is complete and open to traffic.”*

*Reason: To ensure that the M1 truck road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site, and in the interests of road safety, efficiency, sustainability and amenity in accordance with the National Planning Policy Framework.”*

*The applicant supports the submission with the following statement:*

*“Condition 7 requires minor improvements to the junction with the M1 as set out on drawing number A069922-35-18-034, and stipulates that no dwelling should be occupied until these improvements (or other improvements as amended by a Road Safety Audit or detailed design) are complete and open to traffic. During detailed design of these improvements, under S278 arrangements, the County Highway Authority and Highways England have agreed that they would prefer for these improvements to not be undertaken at the present time as they would conflict with larger scale improvement of the junction which is planned, and they would prefer to avoid piecemeal improvement of the junction. It has been agreed with both parties therefore that in these circumstances they would prefer this matter to be addressed by means of an obligation to pay a contribution towards the improvement of the junction which is equivalent to the costs of the works outlined on drawing number A069922-35-18-034.*

*The agreement for the scheme to provide for 30% affordable, which was reflected in the Committee’s resolution to grant approval back in November 2014, was based on the emerging Policy requirement at the time in the Draft Core Strategy. The Pre-submission draft Core Strategy (Policy CS3) set a 30% target for affordable housing for the Shepshed defined Direction for Growth, but later viability evidence presented to the Examination of the Plan*

*(Charnwood Local Plan Viability Study 2014) suggested that the Shepshed Direction for Growth could only support a level of 25%. This was acknowledged by the Inspector in recommending adoption of the Plan and has also been recognised by the Local Planning Authority itself in amendments to the percentage of affordable housing agreed by condition at Land off Hathern Road, Shepshed (application reference P/15/1085/2 refers)."*

*As the application would result in an amendment to the original planning permission under P/13/1826/2, the application is also supported by the information provided to with the original submission. This includes:*

- ) Planning Statement*
- ) Design and Access Statement*
- ) Transport Assessment, Travel Plan and Addendum*
- ) Flood Risk Assessment*
- ) Archaeological Report*
- ) Landscape and Visual Appraisal*
- ) Drainage Strategy*
- ) Tree Survey*
- ) Geo-environmental Assessments*
- ) Mineral Desk Study*
- ) Ecological Assessment*
- ) Bat Survey*
- ) Bird Breeding Survey*

*Additional information relating to a Phase II Site Investigation and Construction Method Statement has also been submitted to seek to address planning conditions added to the original planning permission.*

### **Development Plan Policies**

#### *Charnwood Local Plan Core Strategy 2006-2028 (Adopted 9<sup>th</sup> November 2015)*

*Policy CS1 – Development Strategy – sets out the development strategy for the Borough. This includes focusing housing development in locations around Loughborough and Shepshed and the Leicester PUA with three Sustainable Urban Extensions. The 7 Service Centres are identified to deliver at least 3,000 houses and commitments for around 3,500 houses are recognised.*

*Policy CS3 – Strategic Housing Needs supports an appropriate housing mix for the Borough and sets targets for affordable homes provision. In Shepshed 20% affordable homes are sought on sites of 10 dwellings or more.*

*Policy CS11 – Landscape and Countryside seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.*

*Policy CS13 – Biodiversity and Geodiversity seeks to conserve and enhance the natural environment and to ensure development takes into account impact on recognised features.*

*Policy CS15 – Open Space, Sports and Recreation deals with open space and requires all new development to meet the standards in the open space Strategy.*

*Policy CS16 – Sustainable Construction and Energy supports sustainable design and construction techniques. It also encourages the effective use of land by reusing land that has been previously developed.*

*Policy CS17 - Sustainable Transport - requires major developments to provide access to key facilities by safe and well-lit routes for walking and cycling that are integrated with the wider green infrastructure network and by securing new and enhanced bus services where new development is more than 400m walk from an existing bus stop.*

*Policy CS18 – The Local and Strategic Highway Network – seeks to ensure that appropriate highway improvements are delivered and applications are supported by appropriate Transport Assessments.*

*Policy CS24 – Delivering Infrastructure – seeks to ensure that development contributes to the reasonable costs of on site, and where appropriate, off site infrastructure arising from the proposal through the use of Section 106 Agreements. This is so the local impacts of developments will have been reasonably managed and mitigated.*

*Policy CS 25 – Presumption in Favour of Sustainable Development – sets out a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.*

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

*Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant policies are:*

*Policy ST/2 – Limits to Development – This policy seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.*

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

*CT/1 General Principles for areas of the countryside, green wedge and local separation. The policy restricts new development to that which is small-scale and where it meets certain criteria.*

*CT/2 Developments in the Countryside – indicates in areas defined as countryside, development acceptable in principle will be permitted where it would not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest.*

*Policy TR/18 – Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.*

### **Other material considerations**

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

*The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.*

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

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

*Para 17 sets out the core principles of sustainable development*

*In terms of the remainder of the NPPF, relevant sections are as follows:*

*Section 4: Promoting sustainable transport*

*Para 32: All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

*Section 6: Delivering a wide choice of high quality homes*

*Para 50 advises local planning authorities to plan for a mix of housing.*

*Section 7: Requiring good design*

*Paras. 56, 58, 63 & 64 – Development is required to achieve high quality design that respects local distinctiveness and poor design should be refused.*

*Section 8: Promoting healthy communities*

*Paras 69 and 70: Facilitating social interaction and creating healthy, inclusive communities.*

*On decision taking the NPPF advises:*

*Paras 186 and 187: Local Planning Authorities should act in a positive and proactive manner in decision making.*

*Paras 203-206: Sets out the tests for the use of planning conditions and obligations.*

### *Planning Practice Guidance*

*This was launched as a web based resource, and replaces a list of previous practice guidance documents and notes, as planning guidance for England and consolidates this guidance on various topics into one location and condenses previous guidance on various planning related issues. The guidance also sets out relevant guidance on aspects of design, planning contributions and the Community Infrastructure Levy supporting the policy framework as set out in the NPPF*

### *Leading in Design Supplementary Planning Document (February 2006)*

*This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.*

### *Housing Supplementary Planning Document (2017)*

*This document was adopted at the Cabinet meeting held on 11th May 2017 and provides guidance to support the Local Plan Core Strategy in respect of Policy CS3: Strategic Housing Needs – for affordable housing and housing mix. The SPD has completed its consultation and has been adopted but is still open to legal challenge for a period of 6 weeks from the date of adoption.*

### *Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017*

*HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. Whilst the objectively assessed need figure remains untested in a plan making environment and is therefore not to be relied upon at the current time, the housing mix and affordable housing evidence can be accorded significant weight as it reflects known demographic changes.*

HEDNA identifies a significant increase in the need for affordable housing in the Borough. It identifies a need for 392 affordable homes per annum between 2011 and 2031 and 384 affordable homes per annum between 2011 and 2036.

### **Relevant Planning History**

*P/13/1826/2 – Site for the erection of 380 dwellings with associated landscaping, public open space and access from Tickow Lane.*

*Resolution to Grant 17th November 2014. S106 Signed – 27th February 2017.*

*Decision issued – 2nd March 2017.*

### **Response of Statutory Consultees**

#### Shepshed Town Council

*The reduction in affordable housing should not be permitted. Developments should meet housing needs and local needs. This reduction would mean that the Council are not meeting the needs of younger people in Shepshed. 4/5 bedroom affordable houses are also required, in order to fulfil the needs of families.*

#### Highways England

*No objection to the lowering of affordable housing contribution as this will have no impact on the Strategic Road Network.*

*Various discussions have been held between Leicestershire County Council (LCC) and Highways England to provide clarity over the potential delivery of a major improvement scheme at M1 Motorway J23 and the implications for proposed developments in the area which have traffic impacts on this junction. It is considered that without this infrastructure scheme in place this development would give rise to unsatisfactory impacts on the Strategic Road Network. As Leicestershire County Council has indicated that they are fully supportive of the major improvement scheme at M1 Motorway J23 and are committed to its delivery, it is considered that the risk of the scheme not being delivered is low.*

*Highways England confirm that they are content for Condition 7 to be removed, subject to the developer entering into an obligation to pay a contribution towards the improvement of the junction which is equivalent to the costs of the works outlined on drawing number A069922-3518-034.*

#### Leicestershire County Council Highway Authority

*The Highway Authority are satisfied with the principal of removing Condition 7 from application reference P/13/1826/2 and have confirmed a figure of £293,134.40 would be acceptable to include within a S106 legal agreement. This would allow Leicestershire County Council to deliver Condition 7 if funding for the wider scheme (which includes mitigation for the West of Loughborough SUE, wider growth at Shepshed and the surrounding area; future growth pressures; support for the*

*Enterprise Zone and also allows disruption for local residents to be managed and minimised) is secured. However, the deed of variation for the existing S106 legal agreement would need to be submitted and signed prior to the Highway Authority being able to advise Condition 7 could be removed.*

*The Highway Authority would advise the Local Planning Authority that Highways England (HE), who originally advised the condition, would also need to be satisfied with the proposals. Currently Leicestershire County Council has secured funding from the Local Growth Fund, but is awaiting further information as to whether funding from the Growth and Housing Fund has been successful.*

#### Housing Officer

*The reduction from 30% to 25% will impact on the delivery of affordable housing to meet housing needs. With 380 dwellings proposed across the whole site a 5% reduction in Affordable Housing means a loss of 19 homes.*

#### Environmental Health

*In general the Construction Method Statement is considered to meet standard recommendations. Consideration has been given to loading and unloading of plant and materials, parking of vehicles, routing and access, measures to control the emission of dust and dirt together with reporting procedures*

*The Construction Method Statement suggests that there are operational and managerial controls in place to minimise any negative impact on immediate neighbours. It is considered that the information submitted is sufficient to discharge the previous condition.*

*The Phase II Site Appraisal Report Ref: GRM/P6103/F.1 assessment methodology is generally sound and is in line with current technical guidance. The results obtained were compared to appropriate standards and the conclusions are acceptable.*

*In summary the report concluded that none of the individual contaminant concentrations exceeded the relevant SGV or GAC land scenarios for residential dwellings with plant uptake. No sources of potential contamination had been identified and therefore no remedial measures were deemed necessary.*

*The results of the gas monitoring analysis however indicated that localised gas protection measures should be provided in the south eastern area of the site due to carbon dioxide.*

*If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) should be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination will be dealt with.*

### **Third Party Representations**

4 letters have been received objecting on the following grounds:

- ) *The current road layout around Shepshed cannot cope with the volume of traffic,*
- ) *Tickow Lane is a lane and not suitable for the additional traffic. The crossroads at the top of Tickow Lane onto Ashby Road are already an accident black spot*
- ) *The schools and doctors are already over-subscribed. There is no provision in these plans for a school or doctors surgery to be built on the development.*
- ) *The reduction of the social housing allowance from 30 to 25 should not be permitted*
- ) *There is a demand for bungalows that remains unaddressed.*
- ) *Development appears to have been started – hedgerows and trees have been removed*

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

*The key considerations are therefore the following:*

- ) *The outline planning permission and policy background*
- ) *Variation to Affordable Housing provision*
- ) *Impact on the highway network (Condition 7)*
- ) *Other matters raised and planning conditions*

#### *The outline planning permission and policy background*

*The outline planning application received a resolution to grant planning permission in 2014 and was one of the sites promoted in the Shepshed Direction of Growth. At that time Local Plan policy set the amount of affordable housing to be sought at 30%. This was supported by evidence of viability prepared in 2012 that showed a 30% affordable housing contribution for green field sites in the Direction of Growth was viable.*

*Over the course of the preparation of the Core Strategy, a number of developments were approved that together totalled 1,200 dwellings; significantly exceeding the proposed 500 dwelling Direction of Growth at Shepshed. These developments were promoted and approved with 30% affordable housing in accordance with Submission Draft Core Strategy Policies CS24: Shepshed Direction of Growth and CS3: Strategic Housing Needs, which sought 30% affordable housing. As these commitments had already been made by the time of the examination in public, the Inspector considered that there was no longer any need for a specific policy to guide growth in Shepshed and recommended Policy CS24: Shepshed Direction of Growth be deleted and Policy CS3 be amended to remove reference to the Direction of Growth.*

*Policy CS1 of the adopted Core strategy includes the commitment to plan positively for approximately 1,200 homes within and adjoining Shepshed to support its*

regeneration. However, Policy CS3 no longer makes reference to a specific percentage of affordable homes within the Direction of Growth as this development was committed. Instead it sets a target of 20% provision 'in' the urban area of Shepshed in recognition that future supply in this location is expected to be limited to infill plots where viability is likely to be more challenging.

The Council prepared fresh evidence on the viability of its growth proposals as part of the evidence base for the Core Strategy which was published in November 2014; this indicated that the Shepshed Direction of Growth was deliverable with affordable housing provision in the region of 20-25% taking account of the required highways package of a direct link to the A512 and other Section 106 contributions. This took account of the fact that the Direction of Growth comprised of a number of distinct sites in separate ownership.

The site was committed prior to the adoption of the Core Strategy but was considered at the same time as the Examination in Public and evidence presented.

Evidence prepared by the Council to support the Core Strategy did not provide a definitive conclusion on the amount of affordable housing capable of being delivered on the site. This can only be done on a site specific basis with detailed evidence from the applicant.

Indeed, Policy CS1, CS3 and CS24 provide the context for making such a judgement. Policy CS1 supports sustainable development at Shepshed where, amongst other things, it contributes towards meeting remaining development needs and CS3 seeks affordable homes by having regard to market conditions, economic viability and other infrastructure requirements. Policy CS24 expects major developments to enter into an open book viability appraisal; in effect to provide an evidential basis to, again amongst other things, consider viability issues such as those referred to under CS3.

The circumstances here are that this proposal is seeking to reduce affordable housing against an evidenced requirement in HEDNA for significant levels of need. The applicant is seeking to solely rely on evidence that the Council commissioned in 2014 and submitted to the Core Strategy examination to justify a reduction in provision of affordable housing. The issue with this is that the 2014 evidence is now dated and was, in any event, not tested through the examination in relation to Shepshed and no policy flowed from it that provides for a reduction in the level of affordable housing on a site within the former direction for growth.

The question of whether the level of affordable housing now proposed is acceptable should be considered under Policy CS1, CS3 and CS24 as referred to above and in the context of the latest evidence set out in HEDNA 2017. In the absence of any evidence that supports the reduction on the grounds of market conditions, economic viability or other infrastructure requirements within specific regard to this site and up to date circumstances and the fact that the need for affordable housing remains high suggests some conflict with the objectives of policies CS1 and CS3.

### Variation to affordable housing provision

Members of the Plans Committee resolved to grant outline planning permission in November 2014 subject to a S106 legal agreement being signed. This was signed on 27th February 2017. The decision was issued and planning permission granted on 2nd March 2017 at the earliest opportunity shortly after the engrossment of the Agreement.

No viability exercise has been submitted and no change in circumstances to explain the reduction from 30% affordable housing provision other than the adoption of the Core Strategy has been presented as justification for the change. The starting point for any assessment would be policy CS1 and the context of this proposal which is that 30% provision was approved under the auspices of the original Direction of Growth which underpins the figure of 1,200 homes provided for by Policy CS1. The 20% target sought by CS3 does not expressly apply to this site and even were it to be accepted that this target should apply, it would require an understanding of market conditions, economic viability and other infrastructure requirements as outlined in Policy CS3 and Policy CS24.

Should viability be an issue, and this has not been demonstrated, the changes to the highway improvements should be taken into account as these may lessen the costs to the developer and therefore have a positive impact on viability.

Overall, in the absence of a site specific justification relating to the affordable housing contribution it is not considered that the proposed variation to the S106 Legal Agreement is agreed as it would be contrary to policy CS1.

### Highways Condition 7

The upgrade and improvement programme for the M1 Motorway is currently being undertaken between junctions 23a and 25. Taking the advice of Highways England and the Leicestershire County Council, Condition 7 from application reference P/13/1826/2 can be removed and instead, a figure of £293,134.40 would be acceptable to include within a S106 legal agreement. The deed of variation for the existing S106 legal agreement would, however, need to be submitted and signed prior to a planning permission being issued.

This would allow Leicestershire County Council to deliver the scheme previously secured through Condition 7 if funding for the wider scheme, which includes mitigation for the West of Loughborough SUE, wider growth at Shepshed and the surrounding area. It will also provide for future growth pressures, support the Enterprise Zone and also allows disruption for local residents to be managed and minimised.

### Other matters raised and planning conditions

Several local residents have commented on the impact of the development on the highway network and services and the issues surrounding the principle of development in the area. As stated above, this application seeks to alter an existing planning permission and it has been established that the proposals were in

accordance with the aims and objectives of the Direction for Growth for Shepshed under policy CS1.

Additional information relating to a Phase II Site Investigation and Construction Method Statement have been submitted in relation planning conditions 17 and 18 of P/13/1826/2. Environmental Health Officers confirm that the Phase 2 Ground Investigation Report and the Construction Management Plan are acceptable. A response is awaited to the Construction Management Plan from County Council Highways. Condition 18 is therefore amended to reflect the advice of Environmental Health Officers.

### **RECOMMENDATION A**

*That the Head of Planning be authorised to complete a section 106 Deed of Variation to deliver a contribution of £293,134.40 towards works at Junction 23 of the M1 Motorway.*

*That due to the lack of supporting evidence provided, and the Development Plan context, no change is made to the percentage of affordable housing agreed within the existing planning permission P/13/1826/2.*

### **RECOMMENDATION B**

*Subject to no further consultee responses in relation to condition 17 proposed below that planning permission be GRANTED subject to the following conditions:*

1. *Application for approval of reserved matters shall be made within two years of the date of planning permission P/13/1826/2 and the development shall be begun not later than 1 year from the final approval of the last of the reserved matters.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. *The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority: - a. layout, b. scale, c. appearance, d. landscaping, e. highway design.  
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004*
3. *The submission of Reserved Matters shall broadly accord with the principles detailed in the revised Design and Access Statement dated May 2014 and the revised Illustrative site layout plan drawing No 3832-L-03revC  
REASON: To ensure that the submission of the Reserved Matters broadly follows the approach adopted in the Design and Access Statement and the submitted illustrative layout plan.*
4. *No development, including site works, shall take place until a phasing scheme in*

*respect of the residential areas/blocks, pedestrian/cycle access routes to the site, public open space, recreational and children's play areas and landscaping has been submitted to and agreed by the local planning authority. The development shall be carried out in accordance with the agreed phasing scheme.*

*REASON: To ensure the development and mitigation measures are adequately provided and the development is completed satisfactory.*

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

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

6. *No development, including site works, shall begin until the existing hedges and trees located in the application site and on the site boundaries have been protected, in a manner previously agreed in writing by the local planning authority. The hedges and trees shall be protected in the agreed manner for the duration of building operations on the application site.*

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

7. *Prior to the commencement of development, the applicants shall submit for approval to the local planning authority in consultation with the highway authority, full details of the proposed access arrangements and re-alignment of Tickow Lane as illustrated on White Young Green Consulting Engineers drawing numbered A06992-35-12-SK001 Revision B. Such details to include proposals appropriate signing/lining and village gateway treatment.*

*REASON: In the interests of highway safety and to ensure a satisfactory form of development.*

8. *Prior to the occupation of the 100th dwelling on the site the proposed access arrangements and the re-alignment of Tickow Lane as illustrated on White Young Green Consulting drawing numbered A06992-35-12-SK001 Revision B shall have been completed and open for use.*

*REASON: In the interests of highway safety and to ensure a satisfactory form of development.*

9. *No dwelling shall be occupied until such time as a scheme for highway signing and carriageway lining on Tickow Lane in the vicinity of the bridge over the old railway line has been implemented in accordance with details previously agreed with the local planning authority, generally in accordance with the details submitted on White Young Green Consulting Engineers drawing numbered A069922-35-18-013.*

*REASON: In the interests of safety at this constricted point in the highway.*

10. *Prior to the occupation of the 100th dwelling on the site Tickow Lane shall be widened to a minimum width of 5.5m between the A512 Ashby Road and the bridge over the old railway line. The specification of the carriageway construction and surfacing shall be to the approval of the Highway Authority.*  
*REASON: In the interests of highway safety.*
11. *All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development on any phasing agreed under condition 4 commences. Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.*  
*REASON: To ensure a satisfactory form of development and in the interests of highway safety.*
12. *All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA within one month of the new access being brought into use.*  
*REASON: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.*
13. *No part of the development as approved shall be brought into use until details of an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied. The Plan shall specify facilities and measures with measurable output and outcome targets designed to:*
- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site,*
  - Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel,*
  - Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.*
- The Plan shall also specify:*
- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,*
  - The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.*
  - The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and*

- *Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.*

*The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.*

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

14. *The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by BSP consulting (ref 13110/FRA-DS, September 2013) and the following mitigation measures detailed within the FRA:*

- *Limiting the surface water run-off generated by the 1 in 100 year plus 30% climate change critical storm so that it will not exceed the 1 in 1 year greenfield runoff rate from the undeveloped site and not increase the risk of flooding off-site.*
- *Finished floor levels are set no lower than 600 mm above the adjacent 1 in 100 year plus climate change level.*

*The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.*

*REASON: To reduce the risk of flooding to the proposed development and ensure the satisfactory disposal of surface water from the site.*

15. *No development on any phasing agreed under condition 4 shall take place until a surface water drainage scheme for the phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.*

*The scheme shall also include:*

- *Details of how the scheme shall be maintained and managed after completion.*
- *Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.*

*REASON: To prevent the increased risk of flooding, both on and off site. No development, including site works, shall take place until details of the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use.*

16. *No development on any phasing agreed under condition 4 shall not commence until*

*drainage plans for the disposal of foul sewage for the phase have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. REASON: To ensure that the development is provided with a satisfactory means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

17. *No development, including site works, shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-*

*i) the routing of construction traffic*

*ii) the times of construction work*

*iii) the parking of vehicles of site operatives and visitors*

*iv) loading and unloading of plant and materials*

*v) storage of plant and materials used in constructing the development*

*vi) measures to control the emission of dust and dirt (including a scheme for wheel cleaning) during construction to ensure that the highway is kept free of mud, water, stones etc.*

*vii) a scheme for recycling/disposing of waste resulting from demolition and construction works*

*viii) measures to protect the trees and hedges to be retained on the application site during the duration of the construction works.*

*ix) measures to protect the wildlife habitats and wildlife corridors during the duration of the construction works.*

*REASON: To ensure that there are no significant highway safety issues arising from the development of the site and that the amenities of neighbour residents are protected during construction and the natural resources of the site are protected during construction.*

18. *The development shall be carried out in accordance with the recommendations of Phase II Site Appraisal Report Ref: GRM/P6103/F.1. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) should be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination will be dealt with.*

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

19. *No development in any phasing as agreed under condition 4, including site works, shall take place until a landscaping scheme for the respective phase, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:*

*i) the treatment proposed for all ground surfaces, including hard areas;*

*ii) full details of tree planting;*

*iii) planting schedules, noting the species, sizes, numbers and densities of plants;*

*iv) finished levels or contours;*

*v) any structures to be erected or constructed;*

*vi) functional services above and below ground; and*

vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

*REASON: To ensure the development is completed in a satisfactory manner in the interests of amenity.*

20. *The landscaping schemes for the development shall be fully completed, in accordance with the details agreed under the terms of condition No 20, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.*

*REASON: To ensure the landscaping scheme is completed in the interests of the amenities of the area.*

21. *No development, including site works, shall take place until a Green Infrastructure Biodiversity Management Plan, including long term design objectives, management responsibilities and maintenance schedules, including ecological measures for all landscape areas, other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed Green Infrastructure Biodiversity Management Plan shall then be fully implemented.*

*REASON: To ensure there is appropriate future management of the landscaped and open space areas of the development in the interests of amenity.*

22. *The details to be submitted in accordance with Condition No.3 shall include open space/children's play area provision at a rate of 200 square metres per 10 dwellings of which 75 square metres per 10 dwellings must include play equipment.*

*REASON: To make sure that adequate open space is provided in accordance with the requirements of Policy RT/3 of the Local Plan.*

23. *The details to be submitted in accordance with Condition No.3 shall include open space provision for recreational use by adults, youth and general amenity use.*

*REASON: To make sure that adequate open space is provided in accordance with the requirements of Policy RT/4 of the Local Plan.*

24. *No development, including site works, shall take place until a scheme of public art within the built fabric of the development, including its future management and a timetable for its implementation, has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be fully implemented in accordance with the agreed timetable.*

*REASON: To ensure the design of the development is of high quality and meets the requirements of Policy EV/43 of the Local Plan.*

*The requirements of these conditions must be complied with.*

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

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

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

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

2. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) ) Order 2010 (as amended).

3. All construction work should be carried out in such a manner as to minimise the risk of dust or noise nuisance to neighbouring residential properties. Application of standard dust control measures as detailed in the Building Research Establishment (BRE) document "Control of Dust from Construction and Demolition Activities": 2003 should be followed.

There should be no burning of waste on site.

There should be no audible construction noise beyond the site boundary before 7:30 am or after 5:00 pm Monday to Friday or before 8:00 am or after 12 noon Saturday, with no working on Sundays or bank holidays.

4. Your attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.

5. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.

6. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

7. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

8.If the applicants do not wish to seek adoption of the roads, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 3057198.

9.Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SUDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SUDs features associated with the development. Please e-mail [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk) if you wish to discuss further.

10.The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways England therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highway Agency's Section 278 Business Manager David Steventon to discuss these matters on [david.steventon@highways.gsi.gov.uk](mailto:david.steventon@highways.gsi.gov.uk)

11.Any works undertaken to the Highways England network shall be carried out under the Network Occupancy Management Policy, in accordance with HA procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is [area7.roadspace@aone.uk.com](mailto:area7.roadspace@aone.uk.com)

12.Public Footpath J62 through the proposed development site should be provided with a 2m wide all weather surface with 1m grass verges either side. The specification of the surfacing should be agreed with the Charnwood Area Rights of Way Inspector (0116 305 0001).

Any trees or shrubs which are proposed to be planted adjacent to the Public Footpath should be set back by a minimum of 3 metres and be species which do not spread.

Waymark posts should be installed at locations agreed with the County Council.

No new gates or other structures affecting the footpath should be constructed without prior approval of the County Council's Travel Choice and Access Team (0116 305 0001).

The Public Footpath must not be further enclosed in anyway without further discussions with the County Council's Travel Choice and Access Team.

The footpath must not be re-routed, encroached upon, or obstructed in anyway. To do so may constitute an offence under the Highways Act 1980.