

---

**Residential development of up to 85 no. dwellings (outline - all matters other than part access reserved)**

**Report Item No  
A4**

**Land At Loughborough Road Thringstone Leicestershire**

**Application Reference  
14/00328/OUTM**

**Applicant:  
Investin Properties Ltd**

**Date Registered  
11 April 2014**

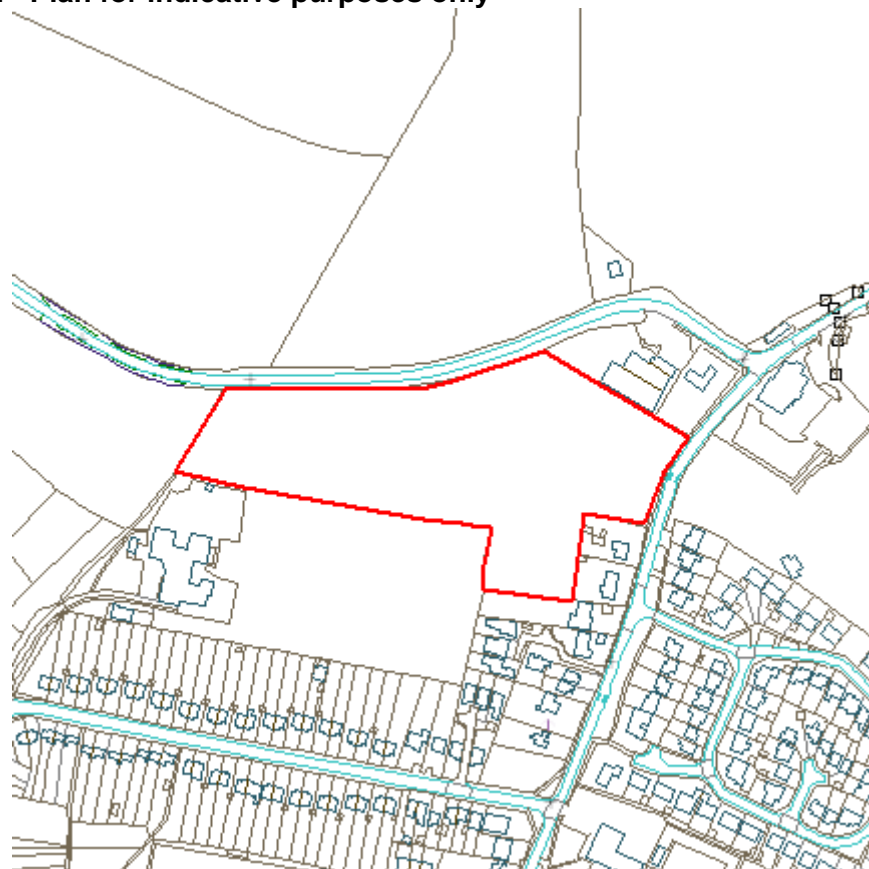
**Case Officer:  
James Mattley**

**Target Decision Date  
11 July 2014**

**Recommendation:  
PERMIT Subject to a Section 106 Agreement**

---

**Site Location - Plan for indicative purposes only**



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office  
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

## **Executive Summary of Proposals and Reasons for Decision**

### **Proposal**

This application seeks outline planning permission for a residential development of up to 85 dwellings on land off Loughborough Road, Thringstone. All matters are reserved for future approval apart from the access into the site from Loughborough Road.

### **Consultations**

Members will see from the main report below that objections have been received in respect of the proposals from local residents but no other objections are raised by any statutory consultees.

### **Planning Policy**

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

### **Conclusion**

As set out in the main report, the site lies outside the Limits to Development in the adopted Local Plan and constitutes greenfield land. Policies S3 and H4/1 which restrain the supply of housing are now considered to be up-to-date given the Council can demonstrate a five-year supply of deliverable housing land.

However, the site is considered to be well located in relation to the settlement of Thringstone and its proximity to local services and facilities. The proposed development would be acceptable in terms of density, layout and design, impact on trees, residential amenities, transportation and highway safety issues, flood risk and drainage, ecological impacts and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services.

Taking all of this into account, whilst the scheme would not be in accordance with Policy S3 of the Local Plan, it is considered to constitute sustainable development as defined in the NPPF. It is therefore recommended that outline planning permission be granted subject to conditions and entering into a legal agreement to secure relevant contributions.

## **RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended reasons for approval, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Outline planning permission is sought for a residential development of up to 85 dwellings. The site comprises of 2.52 hectares of agricultural land and is located to the west of Loughborough Road and to the south of Ashby Road (A512). Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with public open space and landscaping.

A new vehicular access is proposed onto Loughborough Road and would involve the provision of a priority junction. The A512 and open fields are located to the north of the site, an existing haulage and storage business premises operated by Leicester Machine Movers is located to the north west, residential development is located to the south-east and Thringstone Primary School is located to the south-west.

A public footpath (N5) runs partially through the western corner of the site. The illustrative masterplan indicates that the footpath would be retained along its current alignment.

The application is accompanied by an arboricultural assessment, statement of community involvement, planning statement, noise assessment, transport assessment, travel plan, landscape and visual impact assessment, flood risk assessment, ecological assessment, draft heads of terms, design and access statement, heritage assessment and air quality assessment.

The application has not been called in by any Councillor but is reported to planning committee as the scheme could be considered to be of significant public interest.

No relevant planning history found.

### 2. Publicity

51 No. neighbours have been notified (Date of last notification 30 June 2014)

Site Notice displayed 2 May 2014

Press Notice published 30 April 2014

### 3. Consultations

17 April 2014 Osgathorpe Parish Council  
17 April 2014 County Highway Authority  
17 April 2014 Environment Agency  
17 April 2014 Severn Trent Water Limited  
17 April 2014 Head of Environmental Protection  
17 April 2014 NWLDC Tree Officer  
17 April 2014 County Archaeologist  
17 April 2014 LCC ecology  
17 April 2014 NWLDC Urban Designer  
17 April 2014 LCC Development Contributions  
17 April 2014 NHS Leicester, Leicestershire And Rutland Facilities Management  
17 April 2014 Development Plans  
17 April 2014 Head Of Leisure And Culture  
17 April 2014 Manager Of Housing North West Leicestershire District Council

17 April 2014 Police Architectural Liaison Officer  
17 April 2014 LCC/Footpaths  
17 April 2014 National Forest Company  
17 April 2014 Head Of Street Management North West Leicestershire District  
17 April 2014 NWLDC Footpaths Officer  
17 April 2014 LCC Fire and Rescue  
30 June 2014 NWLDC Urban Designer  
30 June 2014 LCC ecology  
7 May 2014 LCC/Footpaths  
1 May 2014 Head of Environmental Protection  
9 July 2014 County Highway Authority

#### **4. Summary of Representations Received Statutory Consultees**

**Environment Agency** has no objection subject to the inclusion of relevant conditions and notes to applicant.

**Leicestershire County Council Ecologist** states that the ecology report is satisfactory and raises no objections to the principle of the application. However, concerns were originally expressed regarding the masterplan as this originally showed retained hedges forming the boundaries to gardens and other private land. An amended masterplan has been submitted to address this issue and the County Ecologist now raises no objections subject to suitable conditions.

**Leicestershire County Council Highway Authority** states that they have no objection subject to the inclusion of relevant planning conditions and legal obligations.

**Leicestershire County Council Highway Transportation & Waste Management Authority** requests a developer contribution of £6,041 in order to mitigate the impact on civic amenity waste facilities in the local area.

**Leicestershire County Council Library Services Development Manager** requests a contribution of £4,620.

**Leicestershire County Council Local Education Authority** requests a contribution of £180,985.07.

**Leicestershire Police** requests a contribution of £32,635.

**National Forest Company** requests an off-site contribution of £10,000 towards woodland planting and landscaping.

**NHS England (Leicestershire and Lincolnshire Area)** requests a developer contribution of £15,033.41.

**North West Leicestershire District Council Contaminated Land Officer** has no objections subject to relevant conditions.

**North West Leicestershire District Council Environmental Health Officer (EHO)** originally requested that further noise monitoring take place on the site. Following the submission of

additional information the EHO considers that there would be a satisfactory environment for the proposed residential units and, therefore, no objections are raised in relation to the proposed development.

**Osgathorpe Parish Council** has no comments or observations to make as a neighbouring Parish Council.

**Severn Trent Water** has no objection to the proposal subject to the inclusion of drainage conditions.

### **Third party representations**

A total of five representations have been received objecting to the application on the following grounds:

- \_ the application will require the removal of a speed restricting device on Loughborough Road;
- \_ the road drainage from Loughborough Road becomes inundated during periods of rainfall;
- \_ the junction of Ashby Road and Loughborough Road is already a busy and hazardous junction;
- \_ the traffic plan fails to consider the impact on the A512;
- \_ the accident statistics contained within the documentation are inaccurate;
- \_ the layout shows a cramped form of development;
- \_ small apartments and bungalows should be provided on the site;
- \_ proposal could exacerbate flooding in the area;
- \_ the existing traffic calming on Loughborough Road should be maintained;
- \_ an increase in traffic volume will increase air pollution in the surrounding area;
- \_ proposal would result in a visual impact;
- \_ the applicant has failed to provide an adequate foul sewage removal process;
- \_ application should be decided at the planning committee;
- \_ Section 106 agreement should provide funds for the community centre to install suitable access for people with disabilities;
- \_ the car park on the village green will become even more congested;
- \_ the employment centres listed in the reports would not provide employment for the occupiers of this development.

## **5. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework*

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

"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:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit 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."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"47 To boost significantly the supply of housing, local planning authorities should:

- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59 Local planning authorities should consider using design codes where they could help

deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."

"112 Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

"118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

### **Adopted North West Leicestershire Local Plan (2002)**

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

## **Other Policies**

### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville area.



Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Greater Coalville area.

### **North West Leicestershire District Council Play Area Design Guidance SPG**

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

### **Submission Core Strategy (April 2012)**

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

## **6. Assessment**

### **Principle of Development**

In terms of the principle of development, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the adopted North West Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3.

Notwithstanding the countryside location of the site, in determining the application regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

In terms of the North West Leicestershire Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
- the latest urban capacity information;
- the need to maintain an appropriate supply of available housing land;
- lead times before houses will be expected to be completed and build rates thereafter; and
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of judgement. Insofar as the site's location is concerned it is located adjacent to the existing built up area of the settlement and would not result in isolated development in the countryside. In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to maintain a five year housing land supply in the District. It is therefore considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

### *Housing Land Supply*

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The

appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, concluded that the Council's 5 year housing land supply calculation should be based on the "Sedgefield" approach (i.e. an approach requiring planning authorities to deal with any past under-supply within the first 5 years rather than to spread this over the whole plan period) an approach now expressly preferred in the recently published National Planning Practice Guidance, and thus even more likely to be favoured by appeal inspectors going forward. The Moira Road Inspector also applied a buffer of 20% for persistent under delivery. As such, officers have recently been advising Members of the Council's inability to demonstrate a five-year supply of deliverable housing sites. The consequence of this has been that the Council has not been able to rely on adopted Policies S3 and H4/1 in determining housing applications as they are "relevant policies for the supply of housing" for the purposes of Paragraph 49 of the NPPF which, Members are aware "should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

As reported to Committee on 8th July 2014, however, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed annual housing requirement. Further to the recalculated housing land supply figure reported on the Update Sheet to the Planning Committee meeting of 8 July 2014, the District Council has now published a revised housing supply trajectory. The latest housing supply trajectory indicates that, as matters currently stand, using the approach of an annualised requirement with a 20% buffer, the District is able to demonstrate a supply of 6.35 years.

As a result of the above Policies S3 and H4/1 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF - indeed these are Development Plan policies to which the Council should again now properly have regard in determining future planning applications. Whilst the weight to be applied to these policies against other material considerations is a matter entirely for Members, officers would advise Members, in applying weight to any conflict with Policy S3 in the overall planning balance, to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006).

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

#### *Sustainability*

Thringstone provides a range of local facilities including a post office, hairdressers, fish and chip shop, off licence, public house as well as a retail convenience store. There are also recreational facilities and a community centre. There is also a good level of public transport accessibility including a circular bus service within Thringstone and also a Coalville to Loughborough Service.

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable. The Inspector in the Moira Road appeal referred to the DoT statistics which detail that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1Km (0.62 miles), cycling about 4.5Km (2.8 miles) and by bus about 8Km (4.97 miles). In terms of the sustainability credentials of the site, the site is located the following (approximate) distances away from a range of services:

Thringstone Primary School - 0.64km

'The Green' (including Co-Op convenience store, general store/post office, fish and chip shop, hairdressers and community centre) - 0.96km

Playing Fields - 0.64km

Public House - 0.32km

Bus Stop - 0.64km

The application site is well related to most of the key services/facilities within Thringstone, being within 800/1000 metres (preferred maximum walking distance) of the majority of the services listed above.

The Arriva 16 bus service provides a bus service that runs three times an hour during the day between Monday to Saturday. This service provides a circular route around Thringstone and also serves 'The Green' and the wider Coalville area. The application site is located in fairly close proximity to the range of services/facilities listed above and is also well located in terms of the extensive facilities and services that are available in the Greater Coalville Area. Taking these matters into account, it is considered that the site would be located within a sustainable area.

#### *Scale of Development and Cumulative Impacts*

Given that the application site is located within the Greater Coalville Area and that the proposed scheme seeks only 85 dwellings, it is not considered that this development would be out of scale with Greater Coalville Area or result in cumulative impacts with other developments in the surrounding area.

#### *Loss of Agricultural Land*

Also of relevance to the principle of releasing the site is the issue of loss of agricultural land. The site is currently in active agricultural use and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The application site falls within Grade 3 of the ALC but it has not been established whether the land is Grade 3a or Grade 3b and, therefore, whether any BMV would be affected.

However, even if the site does fall within the 3A classification, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. Also relevant is the extent to which change of use of the BMV land is irreversible. Whilst the submitted masterplan is illustrative only, it is noted that it indicates that a proportion of the site would be given over to landscaping and public open space which, it is considered, would not necessarily preclude its future re-establishment in active agricultural use if circumstances so dictated.

Nevertheless, in terms of agricultural land quality, if the development does impact upon BMV it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse

impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considering the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the loss (i.e. 2.52ha).

*Conclusions in respect of the Principle of Development and Planning Policy*

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is located outside the Limits to Development in the adopted Local Plan and is a greenfield site. The scheme would be contrary to Local Plan Policy S3, which along with Policy H4/1 is now considered to be up to date. The site's general suitability for housing (given its location in terms of distances to most services/facilities) is also material, together with the need for the District to release land for housing to ensure the maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF).

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to economic growth associated with the proposed development in terms of jobs and the creation of new households, coupled with the role played in maintaining housing land supply, its proximity to services/facilities, the provision of affordable housing and open space and the inclusion of appropriate contributions to local services would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, the scheme would not accord with the provisions of Policy S3 and would result in the development of a greenfield site. However, the development of the site would not result in significant visual impacts given the contained and screened nature of the site (discussed in more detail in the 'Landscape and Visual Impact' section below). In the overall balance it is considered that the proposal would constitute a sustainable form of development.

**Means of Access and Transportation**

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access proposed shows the creation of a new vehicular access onto Loughborough Road. Whilst the illustrative layout shows internal access roads, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility and connectivity of the site still ought to be considered).

The application is accompanied by a Transport Assessment (TA) as well as a Travel Plan. The TA (submitted by the applicant) concludes as follows:

\_ the site is accessible by modes of transport other than the private car being located within a short walking and cycle distance of the centre of Thringstone, existing bus services and local facilities, including local shops and schools;

\_ a suitable vehicular access for the site can be provided via the provision of a priority junction connecting to Loughborough Road;

\_ the development would not have a detrimental impact on the operation of the local highway network in the vicinity of the site. The capacity assessment undertaken for the Loughborough Road / A512 Ashby Road junction confirm that junction capacity and the extent of vehicle

queues would not be materially affected by the proposed development;

\_ a review of highway safety issues and road accident records for highways in the vicinity of the site does not suggest a significant road safety problem in the area

\_ overall the transport assessment concludes that the development should be acceptable in transport terms.

The County Highway Authority (CHA) has reviewed the TA submitted in support of the application and has not raised any objection to the conclusions which have been reached. The CHA raises no objection to the proposed scheme subject to the inclusion of conditions and legal obligations. The legal obligation would need to secure details of the routing of construction traffic along with other contributions in respect of public transport. These include the following:

\_ Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

\_ 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

\_ New/Improvements to 3 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.

\_ Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter.

The proposed access arrangements would necessitate the removal of the existing traffic calming feature on Loughborough Road and the applicant's TA indicates that an amended scheme could involve the relocation of the existing traffic calming feature further to the north of the proposed access. The CHA recommends a condition that the development shall not begin until such time as a detailed design for these off-site highway works has been submitted and that no more than 10 dwellings shall be occupied until such time as the new traffic calming has been provided. Whilst it would be for the applicant to design an acceptable traffic calming scheme, the CHA have indicated that the relocation of the existing traffic calming feature is unlikely to be a preferred scheme and a scheme involving a raised junction or other vertical calming measures may be more appropriate.

To reiterate, the County Highway Authority raise no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions and obligations. Taking these matters into account, therefore, the proposed development is considered acceptable in terms of Means of Access and Transportation issues and would comply with Local Plan Policy T3 and the advice in the NPPF.

### **Neighbours' and Future Occupiers' Amenities**

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, this would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason

in principle why up to 85 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

In terms of the impacts on future occupiers, the main issue is considered to be the potential for noise and disturbance to arise from the existing haulage and storage business premises operated by Leicester Machine Movers which is located to the north east of the application site. The application was originally accompanied by a noise assessment and an updated noise assessment has been received following the request of the Council's Environmental Protection Section.

The updated noise assessment indicates that noise levels from the haulage and storage use were relatively low and infrequent. The report indicates that appropriate sound reduction can be achieved by the use of specialist glazing, boundary treatments and the siting and orientation of dwellings. However, the precise mitigation measures would need to be detailed at the reserved matters stage once the precise location of the plots is established.

On the basis of the mitigation measures proposed (which can be secured by way of planning conditions), the Environmental Protection Section has no objections and it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements Policy E3 of Local Plan are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

### **Design**

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABE's new Building for Life criteria which scores on the basis of red/amber/green rather than a points based scoring system. The Council's Urban Designer has reviewed the proposals and originally had some concerns over the illustrative layout that has been submitted as part of the application. These concerns included issues regarding parking provision, density, lack of tree lined principle routes and the character of the development being proposed.

The comments have been raised with the applicants and they have submitted a revised layout and additional information which has addressed some of the issues which have been raised. It is accepted that the majority of these issues would need to be fully addressed as part of the reserved matters application. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme is not sufficiently advanced to be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme could be secured at the reserved matters stage(s), and would comply with the relevant Development Plan policies and advice in the NPPF.

### **Density**

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere. The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. The former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly

associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF or the Local Plan, still be relevant.

The application site area is given as 2.52 hectares and the maximum of 85 dwellings proposed by the developers would therefore equate to a maximum density of 33 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of landscaping and public open space, the net dwelling density would be higher and more in-line with that advised by Policy H6. This is considered to be an acceptable density in relation to the advice in Policy H6 of the Local Plan.

### **Landscape and Visual Impact**

The application is accompanied by a landscape and visual impact assessment (LVIA) which has also been updated during the course of the application.

The site is not protected by any national landscape designations. The application site immediately borders the A512 and residential development is located to the south. The submitted LVIA states that the development would not have any significant effect on the wider landscape due to the surrounding landform and features. Any impacts would be localised in nature and any adverse impacts that are likely to be experienced during the construction phase would be temporary in nature. In terms of the visual impact of the development the LVIA concludes that any visual impacts would be confined to the study area and would not be significant.

The conclusions reached in the submitted LVIA are considered to be reasonable and subject to appropriate landscaping, officers are of the view that the visual impacts of the proposals would be acceptable and that, notwithstanding the site's location outside Limits to Development, unacceptable impacts on the amenities of the surrounding area would not be likely to arise. Overall, therefore, and subject to an appropriate form of development being proposed at the reserved matters stage(s), it is considered that the landscape and visual effects of the proposed development are acceptable.

### **Ecology and Trees**

The application is supported by an ecological appraisal. The appraisal concludes that there are no statutory designated sites within or in close proximity to the site boundary. The closest designated ecological site is Grace Dieu and High Sharpley which is located 1.25km south of the site. At this distance it is not considered that there would be any impacts upon this site.

There are no trees or hedges within the body of the application site although they are found on the site boundary. These provide suitable habitat for breeding birds and opportunities for commuting and foraging bats. All hedgerows are expected to be retained, except one alongside Loughborough Road.

In response to the application and the submitted ecological report, Leicestershire County Council's ecologist considers that the report is satisfactory and no species or habitats other than hedges have been identified. However, concerns were originally expressed regarding the masterplan as this originally showed retained hedges forming the boundaries to gardens and other private land. An amended masterplan has now been received which shows the retention

of most of the hedges outside back garden boundaries and the County Ecologist now raises no objections subject to conditions.

The Council's Tree Officer considers that the trees along the southern boundary of the application site are the most important and that any development should take into account the eventual mature tree height/spread and shade of these trees. The amended masterplan appears to take into account the presence of these trees but this would need to be considered further at the reserved matters stage(s).

Therefore, subject to the imposition of suitably-worded conditions and notes to applicant the submitted scheme is considered acceptable in ecological terms and in respect of the impact upon trees.

### **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

The illustrative layout indicates that a balancing lagoon would be provided on the site but the precise location and design of this feature would need to be considered at the reserved matters stage(s). Conditions would need to be attached to any outline planning permission to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the Environment Agency and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

### **Developer Contributions**

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The relevant developer contributions are listed below.

### *Affordable Housing*

The Council's SPD on affordable housing indicates that for developments of this scale in the Greater Coalville Area 20% of the units should be provided as affordable housing (i.e. 17 units, assuming the construction of the maximum 85 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 79% social rented and 21% low cost home ownership would be sought and the District Council's Strategic Housing



Team would currently be seeking the following:

Affordable Rented - 12

6 x 1 bed homes

4 x 2 bed house

2 x 2 bed bungalows

Low cost home ownership - 5

2 x 2 bed house

3 x 3 bed house

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 20% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

#### *Transportation Contributions*

The County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use and highway safety:

- One Travel Pack per dwelling; can be provided through LCC at a cost of £52.85 per pack/dwelling. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC;
- Two six-month bus passes per dwelling; can be provided through LCC at an average cost of £355.00 per pass;
- New/Improvements to 3 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263 per stop;
- Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908 per shelter;
- A monitoring fee of £6000 to enable LCC to provide support to the Travel Plan Co-ordinator.

The applicants are agreeable to making these contributions. However, the £6000 monitoring fee towards providing support for the Travel Plan Co-ordinator would not meet the CIL tests as it is not considered necessary to make the proposed development acceptable in planning terms. This is on the basis that a suitable travel plan, including the appointment of a travel plan co-ordinator, can be secured through a planning condition and could be enforced against.

#### *Education*

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

##### *Primary School Requirements:*

The site falls within the catchment area of Thringstone Primary School. The School has a net capacity of 210 pupils and 235 pupils are projected on roll should this development proceed; a deficit of 25 places (of which 4 are existing and 21 are created by this development). However, the overall deficit including all schools within a two mile walking distance of the development is 3 places. The 21 deficit places created by this development can therefore be partly accommodated at nearby schools but a claim for an education contribution of 3 pupil places in the primary sector is justified. A primary school contribution of £29,037.62 has been calculated

and would be used at Thringstone Primary School. The applicants are agreeable to paying the requested contribution.

*High School Requirements:*

The site falls within the catchment area of Newbridge High School. The school has a net capacity of 590 pupils and 656 pupils are projected on roll should this development proceed; a deficit of 66 pupil places (of which 57 are existing and 9 are created by this development). There are no other high schools within a three mile walking distance of the site. A high school contribution of £151,947.45 has been calculated and would be used at Newbridge High School. The applicants are agreeable to paying the requested contribution.

*Upper School Requirements:*

The site falls within the joint catchment area of Coalville King Edward V11 Science and Sport College. The College has a net capacity of 1193 pupils and 1109 pupils are projected on roll should this development proceed; a surplus of 84 places after taking into account the 9 pupils created by this development. Therefore, no education contribution is requested in respect of the Upper School sector.

*Play and Public Open Space*

The indicative masterplan shows that provision is proposed to be made for public open space on site that would be located centrally. This would need to include a children's equipped play area. Taking into account the overall size of the recreation area, a suitable sized children's equipped play area could be provided at the reserved matters stage. Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the Play Area Design Guidance SPG.

*National Forest Planting*

The National Forest Company has requested a developer contribution of £10,000 to be used for off-site woodland planting and landscaping. The applicants are agreeable to making this contribution.

*Civic Amenity*

The nearest civic amenity site is located at Coalville and residents of the proposed development are likely to use this site. Therefore, a civic amenity contribution of £6041 is requested. The applicants are agreeable to making this contribution.

*Library Services*

The proposed development is within 3.7km of Coalville Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £4620 is requested. The applicants are agreeable to making this contribution.

*Healthcare*

NHS England (Leicestershire and Lincolnshire Area) requests a developer contribution of £15,033.41 based upon a contribution commensurate to the anticipated increased population arising from this development. The applicants are agreeable to making this contribution.

*Contributions sought by Leicestershire Police*

Leicestershire Police requests a developer contribution of £32,635 in respect of policing as set out in the consultation response above. This money is requested in relation to equipment, police vehicles, improving force communications, CCTV, contribution towards additional premises in Coalville, Enderby and Loughborough.

The policing contributions listed above remain under consideration as to whether they meet the tests pursuant to CIL Regulation 122.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations.

**Other**

A public footpath crosses the application site in the western part of the site in an area which is shown for tree planting on the submitted illustrative masterplan. The County Footpath Officer advises that the footpath should be accommodated along its existing line and that a minimum width of 3 metres (2 metres surfaced and 0.5 metres either side) should be allowed where it passes through the trees. Suitable conditions can be attached to the grant of any planning permission in order to secure the upgrading of this part of the public footpath.

**Conclusions**

The site is located outside the Limits to Development in the adopted Local Plan and is a greenfield site. The scheme would be contrary to Local Plan Policy S3, which along with Policy H4/1 is now considered to be up to date. The site's general suitability for housing (given its location in terms of distances to most services/facilities) is also material, together with the need for the District to release land for housing to ensure the maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF). Having regard to this and the sites location adjacent to the existing settlement boundary, location within the Greater Coalville Area and proximity to local services and facilities, the proposed development would be considered to constitute sustainable development as defined in the NPPF and, as such, would benefit from a presumption in favour of such development as set out in that document.

The scheme is considered to be acceptable in terms of technical issues (and including in respect of transportation and highway safety issues), such that there appear to be no other reasons to prevent the site's development for housing. The development is considered to be acceptable in terms of access issues, landscape and visual impact, design, heritage issues, ecological issues, flood risk and residential amenity; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities.

It is therefore recommended that outline planning permission be granted.

**RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 legal agreement;**

- 1 Save for the details of vehicular access into the site from Loughborough Road, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for the relevant phase (as defined under Condition 5 below) shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

*Reason - This permission is in outline only.*

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for the details of vehicular access into the site from Loughborough Road), appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

*Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

- 4 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by another condition of this planning permission:

- INV108 - Figure 3.1 (Proposed Access Arrangements) deposited with the Local Planning Authority on 11 April 2014;
- Site Location Plan (C129.1-001) deposited with the Local Planning Authority on 11 April 2014.

*Reason - To determine the scope of this permission.*

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, surfacing and width of footpaths through the site, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

*Reason - To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.*

- 6 A total of no more than 85 dwellings shall be erected.

*Reason - To define the scope of this permission.*

7 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

8 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;

## PLANNING APPLICATIONS- SECTION A

- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 9 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

*Reason - To ensure that breeding birds are not adversely affected, in the interests of nature conservation.*

- 10 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

*Reason - To prevent the increased risk of flooding, both on and off site.*

- 11 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall take account of sewer modelling to be undertaken and shall be implemented in accordance with the approved details.

*Reason - To protect the water environment by ensuring that there is no risk of pollution due to the increase in foul flows, particularly with regards to any potential adverse impact on the performance of any combined sewer overflows downstream.*

- 12 The development hereby approved shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

*Reason - To reduce the risk of pollution of any receiving watercourse.*

- 13 No development shall commence on site until such time as precise details of the off-site highway works being the removal of the existing traffic calming measures and the introduction of new traffic calming measures and the provision of a 2 metre wide footway at the site frontage been submitted to and agreed in writing with the Local Planning Authority. No more than 10 dwellings shall be occupied until the agreed scheme has been provided in full.

*Reason - In the interests of highway safety, including pedestrian safety.*

- 14 No development shall commence on site until such time as a scheme of public footpath improvements within the site and between the site and Hensons Lane (by provision of a 2m wide tarmaced surface, or other width first agreed) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include for the timescales for implementation of the improvements. The scheme shall be carried out in accordance with the approved details and timescales.

*Reason - To provide a good quality and convenient pedestrian link to the primary school, bus stops and local services.*

- 15 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 16 No part of the development as approved shall be brought into use until details of a Residential Travel Plan have 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.*

- 17 Save for any works associated with the formation of the access as shown on INV108 - Figure 3.1 (Proposed Access Arrangements), no development shall commence on the site until such time as the Loughborough Road site access junction as shown on INV108 - Figure 3.1 (Proposed Access Arrangements) has been provided in full and is available for use by vehicular traffic.

*Reason - To provide vehicular access to the site, including for construction traffic, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.*

- 18 The first reserved matters application in respect of the matter of landscaping shall provide for a hedgerow management plan, including long-term design objectives, management responsibilities and maintenance schedules, together with a timetable for its implementation. The development shall be carried out in accordance with the hedgerow management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

*Reason - To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to provide for an appropriate form of development.*

- 19 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

*Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 20 No work shall commence in respect of the erection of any dwelling until such time as precise details of all measures proposed in respect of protection of occupiers of the relevant dwelling from noise and a timetable for their implementation have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in full in accordance with the agreed details, and in accordance with the agreed timetable.

*Reason - To ensure that occupiers of the proposed dwellings are protected from noise, in the*



*interests of amenity.*

- 21 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

*Reason - To provide evidence that demonstrates detailed compliance with Building for Life 12.*

- 22 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement in respect of criteria / sub-categories contained within the Code for Sustainable Homes. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as evidence to demonstrate compliance with the relevant criteria has been submitted to and agreed in writing by the Local Planning Authority.

*Reason - To ensure the scheme provides for a sustainable form of development.*

### **Notes to applicant**

- 1 In relation to Condition 10, you are advised to review the comments made by the Environment Agency in respect of the level of detail and information that they would expect to accompany the discharge of this planning condition.

- 2 The Council's Tree Officer provides the following comments which will need to be addressed at the Reserved Matters stage:

Trees in the north-east corner close to overhead power lines are prominent and should be retained. Necessary root protection areas have been defined in the BS5837 tree survey but any construction should stay well clear of the canopies

- 3 Your attention is drawn to the notes to applicant provided by the Environment Agency (Ref: LT/2014/117756/01-L01).

- 4 The County Highway Authority has provided the following notes to applicant:

The details of the proposed off-site highway works, being traffic calming, shown on drawing No. INV108 - Figure 3.1 are unlikely to be a preferred scheme to L.C.C.; a scheme involving a raised junction or other vertical calming measures may be appropriate at this location.

On the basis of the submitted plans, the details of tactile paving crossings at the access are not in accordance with the guidance contained in the '6 C's Design guide'.

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.

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.

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.

C.B.R. Tests shall be taken and submitted to the County Council's Highways 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.

A public footpath crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

The site is affected by a Prescribed Building Line, details of which can be obtained from the Highway Authority (contact Highway records by email to [hre@leics.gov.uk](mailto:hre@leics.gov.uk)).

Any statutory undertaker apparatus that requires relocation shall be moved entirely at the expense of the applicant, who shall first obtain the separate consent of the relevant authority.

- 5 At the reserved matters stage the County Footpath Officer advises that the footpath within the site should ideally comprise a minimum surfaced width of 2 metres together with grass borders of at least 1 metre either side.
- 6 A section 106 agreement would be required in order to make the development acceptable and would need to include the following:
  - Provision of on-site affordable housing (20%)
  - National Forest Planting off site contribution (£10,000)
  - Financial contribution in respect of healthcare (£15,033.41)
  - Financial contribution in respect of policing if found to be CIL compliant (£32,635)
  - Financial contribution in respect of education (£180,985.07)
  - Financial contribution in respect of libraries (£4,620)
  - Financial contribution in respect of civic amenity (£6,041)
  - Provision / maintenance of a children's play area
  - Provision of travel packs to first occupiers of the new dwellings
  - Provision of bus passes to first occupiers of the new dwellings
  - Improvements to the three nearest bus stops (including raised and dropped kerbs (£3,263 per stop)
  - Bus shelters at two nearest bus stops (£4,908)
  - Construction traffic routeing

- Section 106 monitoring
- 7 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively 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).
- 8 The Council requires all developments meet BfL12 and the applicant of any future reserved matters application is strongly encouraged to benefit from pre-application advice.