
Development of up to 275 dwellings with associated access, landscaping, open space and drainage infrastructure (outline - all matters reserved apart from access from Burton Road and Moira Road)

**Report Item No
A2**

Land Between Buton Road And Moira Road Shellbrook Ashby De La Zouch

**Application Reference
14/00578/OUTM**

**Applicant:
Richborough Estates**

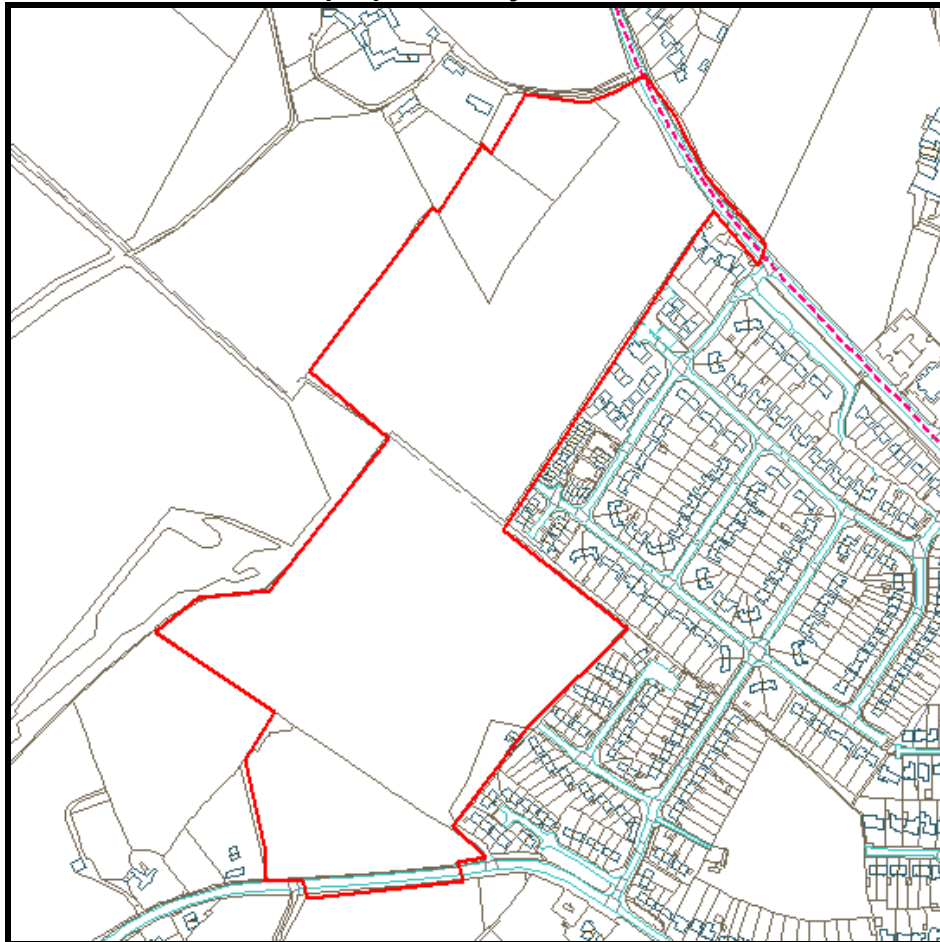
**Date Registered
20 June 2014**

**Case Officer:
Sarah Worrall**

**Target Decision Date
19 September 2014**

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

Site Location - Plan for indicative purposes only



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Executive Summary

The application is being reported to the Planning Committee on the grounds that it is a major development proposal which would form a departure from Adopted Local Plan policy and on the grounds of public interest.

Proposal

This is an outline application which seeks permission for up to 275 dwellings which would have associated access, landscaping, open space and drainage infrastructure. As part of this outline application, permission is sought for the vehicular access points off Burton Road and Moira Road, but the details of appearance, landscaping, layout and scale are reserved for subsequent approval.

Consultations

Members will see from the main report that representations from local residents have been received in relation to the proposals. Statutory consultees have also made comments on the proposals, and all representations are available to view on the working file. In terms of the issues raised, statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed, or cannot otherwise be satisfied by way of condition.

Planning Policy

The application site lies in the countryside outside the Limits to Development of Ashby de la Zouch 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). The site lies within the National Forest area and the River Mease Special Area of Conservation (SAC) catchment area.

Conclusion

The site lies within the countryside, as defined in the Local Plan. Whilst the proposal would not comply with the Local Plan countryside Policy S3, it is considered that the relationship of the application site to existing development and the current Limits to Development of Ashby de la Zouch along with NPPF sustainability considerations would, on balance, result in a site which would be appropriate for the proposed development.

Whilst the application is in outline form only with all matters other than access reserved for subsequent approval information has been submitted to demonstrate that the site could be developed in appropriate manner in terms of density, layout and scale and without causing any adverse impact on residential amenities of existing dwellings adjacent to the site. In addition adequate affordable housing, open space, National Forest planting and landscaping could be achieved on the site and there would be no adverse impact on the River Mease SAC, flood risk, archaeology or ecology. There would be no adverse impact on the highway network as a result of the development.

Appropriate contributions towards infrastructure requirements are proposed as part of the scheme in order to mitigate the impacts of the development scheme on local facilities and services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION - PERMIT subject to conditions and the signing of a S106 legal agreement.

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

Main Report

1. Proposals and Background

This is an outline application for the development of a 14.76ha site located between Burton Road and Moira Road at the edge of the existing Limits to Development of Ashby de la Zouch. The application seeks approval for up to 275 dwellings at the site and an indicative masterplan has been submitted to demonstrate how this could be achieved, although appearance, landscaping, layout and scale are reserved for subsequent approval. The indicative masterplan has taken into account a public sewer within the application site and also electricity provision in terms of dismantling existing access to the grid and the provision of new cabling to demonstrate that street lighting could be achieved on the site. The details of the site accesses to Burton Road and Moira Road are submitted as part of the application.

The proposed development would include 30% on-site affordable housing, National Forest planting, open space, sustainable drainage elements, wildlife areas, play areas, landscaping and footpath links.

The site is situated to the west of existing residential development off Abbey Drive which serves secondary estate roads and forms a link between Burton Road and Moira Road. The Holywell Spring Farm site (400 dwellings with shop, medical centre, care home, primary school et al) 13/00486/OUTM has been permitted and is situated to the north of the site on the opposite side of Burton Road. The Moira Road, Ashby appeal decision site (69 dwellings), which is under construction by Bloor Homes is situated to the south east of the application site. Existing mature woodland at Prestop Park borders much of the western boundary of the site, and this woodland forms part of the National Forest.

The site is agricultural land used for arable purposes and slopes down, quite significantly overall, north to south from Burton Road to Moira Road. Public Footpath P5 crosses the site along the centre from south east to north west and the indicative masterplan sets out how the footpath could be integrated into a development scheme.

The application is accompanied by a Design and Access Statement including a Building for Life 12 assessment, Landscape and Visual Impact Assessment including an indicative landscaping masterplan, Agricultural Land Classification report, Flood Risk Assessment, Foul Drainage and River Mease Statement, a Travel Plan and Transport Assessment, an Ecological Appraisal and Method Statement with separate Great Crested Newt and Ecological Mitigation Surveys, and Arboricultural Survey, Archaeological Desk Based Assessment and Field Walking Survey, Geophysical Survey Report, a Socio-Economic Report, an Affordable Housing Statement and Planning Statement, a Statement of Community Involvement and Draft Heads of Terms for a legal agreement.

During the course of the application various discussions have taken place between the County Highway Authority and the applicant's transport consultant in relation to highways information and updated information relating to the Transport Assessment has been submitted and considered by the Highway Authority.

Planning History

There is no relevant planning history for the site.

2. Publicity

228 no. neighbours have been notified (Date of last notification 7 July 2014)

Press Notice published 23 July 2014

Site Notice Posted July 2014

3. Consultations

Ashby De La Zouch Town Council consulted

Airport Safeguarding consulted 16 July 2014

Police Architectural Liaison Officer consulted 15 July 2014

County Highway Authority consulted 8 July 2014

Environment Agency consulted 8 July 2014

Severn Trent Water Limited consulted 8 July 2014

Head of Environmental Protection consulted 8 July 2014

Natural England consulted 8 July 2014

NWLDC Tree Officer consulted 8 July 2014

County Archaeologist consulted 8 July 2014

LCC ecology consulted 8 July 2014

NWLDC Conservation Officer consulted 8 July 2014

NWLDC Urban Designer consulted 8 July 2014

National Forest Company consulted 8 July 2014

County Planning Authority consulted 8 July 2014

LCC Development Contributions consulted 8 July 2014

NHS Leicester, Leicestershire And Rutland Facilities Management consulted 8 July 2014

Development Plans consulted 8 July 2014

Head Of Leisure And Culture consulted 8 July 2014

Manager Of Housing North West Leicestershire District Council consulted 8 July 2014

Police Architectural Liaison Officer consulted 8 July 2014

LCC/Footpaths consulted 8 July 2014

NWLDC Footpaths Officer consulted 8 July 2014

Highways Agency- Article 15 development consulted 8 July 2014

Coal Authority consulted 8 July 2014

Head Of Street Management North West Leicestershire District consulted 8 July 2014

4. Summary of Representations Received

Ashby de la Zouch Town Council - objects to the application on the grounds that the application is on a Greenfield site outside the established urban area of Ashby and would reduce the separation between Ashby and nearby Boundary and Shellbrook. The development is not required with the housing quota for Ashby already being achieved. There are concerns about the highways and the ability of the local roads to cope with the increase in traffic from the scheme, and also the impact on local infrastructure including primary and secondary schools and health facilities.

Severn Trent Water - no objection subject to a condition relating to foul sewage and surface water disposal. An informative relating to the public sewer located within the application site is also recommended.

Environment Agency - no objection subject to drainage and contamination conditions.

Natural England - no objection subject to conditions and confirms that an Appropriate

Assessment is not required to be undertaken by NWLDC.

The National Forest Company - no objection subject to condition and securing the proposed woodland planting through a S106 legal agreement.

NHS England (Leicestershire and Lincolnshire Area) - a contribution of £91,672.59 is sought in relation to the provision of 275 dwellings.

Highways Agency - no objections since the proposal would not be expected to have a material impact on the A42.

East Midlands Airport - no objection in respect of aerodrome safeguarding.

Coal Authority - no objection subject to standing advice as an informative.

Leicestershire Police - £105,631.00 is sought to mitigate the additional impact of the development.

Leicestershire County Council (Developer Contributions) - requests the following contributions:

- £14,950 towards Library Services;
- No requirement for Civic Amenity;
- £1,794,896.24 has been requested in respect of education requirements with a Primary School contribution of £798,534.66, a High School sector requirement of £491,594.68 and an Upper School contribution of £504,7566.90.

Leicestershire County Council (Ecology) - no objection to the proposal subject to conditions and comments that the supporting ecology information is excellent, and the layout allows for creation of new habitats and conservation of existing hedges with good buffer zones alongside.

Leicestershire County Council (Highways) - no objection to the proposal subject to conditions

Leicestershire County Council (Public Rights of Way) - no objections subject to conditions relating to the incorporation of footpath P5 within the scheme.

NWLDC Footpaths Officer - no objection subject to a footpath diversion if required for footpath P5.

NWLDC Conservation Officer - the listed building to the west of the site would not be adversely affected by the proposed development, and no other heritage asset would be adversely affected.

NWLDC Environmental Protection (Contamination) - no objection subject to conditions relating to ground contamination

NWLDC Environmental Protection (Noise and Pollution) - no objection subject to a condition in relation to noise and dust during construction.

NWLDC Leisure Services - £142,500 is sought in respect of leisure facilities at Hood Park Centre.

Third Party Representations

14 representations have been received in relation to the proposal and the comments can be summarised as follows:

The site and its surroundings

- No further development should be undertaken until existing planning permissions have been taken up;
- Current plans for Ashby will increase its population from 11,000 to 17,000 within 5 to 15 years;
- Green belt land and the environment should be protected;
- Brownfield development should be the norm;
- There will be an adverse impact on wildlife;
- These are the only remaining fields to the west of Ashby;
- Two huge estates opposite to one another will make this western side of Ashby into a huge suburb;
- Sites to the east of Ashby should be developed instead;
- The increase in pollution will adversely impact on wildlife;

Highways issues

- The road down to Shellbrook is already dangerous;
- A private track that runs along the end of our garden and which we use for parking should be retained and should not be a public right of way. We would request that if the scheme goes ahead that we have suitable fencing at the end of our garden;
- The traffic will impact on the town centre itself making it congested and noisy and not pleasant to shop or spend time in;
- There will be more traffic on Abbey Drive which is used as a rat run between Moira and Burton Road;
- The development would introduce more hazards along Moira Road which is used by school children walking to school and cyclists from Hicks Lodge;
- There will be even more traffic at rush hour and school times, and on Sundays when football is on at the park;
- There will be more congestion from parking on Abbey Drive as people will use the shop;

Design and Residential Amenity

- The development will cause overlooking of my property and loss of privacy;
- Every home bordering the development will be overlooked;
- The development would affect the landscape and streetscape;
- The development would result in a loss of valuable visual amenity and countryside character;

Flooding

- I have experienced flooding at my property (Whitehouse Farm) from water draining off the field. The Design and Access statement indicates my property may be affected;

Infrastructure

- There is a lack of facilities for the proposals;

- There is a lack of school places and doctors surgeries etc;
- There is a lack of jobs around Ashby to support the extra people;

Other issues

- The development will cause disturbance to neighbouring properties;
- People have not written in as they feel powerless;
- Any refusal should be final without loopholes for developers to Appeal;
- There would be a loss of countryside outlook;
- Loss of view;
- We don't know what crime the development may bring;
- We have not been offered compensation for the impact on house prices and loss of privacy;
- We asked (at the public exhibition) that access to the rear of our properties be given but this has not been done;
- We have paper and e-petitions if they are needed;
- The current housing boom in the UK could be a temporary situation and political and social factors may impact on the UK economy in the future.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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 (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.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

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. ...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."

"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."

"54. ... Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

"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."

"64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

"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."

"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;

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...

...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

"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..."

"129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise."

"131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

"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."

North West Leicestershire Local Plan:

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

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 other things, 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 a number of issues including housing mix, accessibility to centres and design.

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

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.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development.

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

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Mease.

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 F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting.

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement.

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

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Policy L21 indicates that new housing development will be required to incorporate the provision of children's play area, except where the development is a discrete site of less than 10 dwellings; or all play space needs arising from the development can be adequately met by existing facilities within walking distance.

Other Guidance

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

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System) sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

River Mease Water Quality Management Plan - August 2011 draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme (DCS) - November 2012 is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy Regulations 2010 provides a legislative requirement that an

obligation must meet the following tests:

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

The Technical Guidance to the National Planning Policy Framework - March 2012 provides additional guidance relating to flooding.

National Planning Practice Guidance - March 2014 supplements the policies in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

North West Leicestershire District Council Supplementary Planning Document (SPD) for Affordable Housing Key Principle AH3 provides that 30% affordable housing will be sought on all sites of 15 or more dwellings in 'Ashby de la Zouch'.

North West Leicestershire District Council Supplementary Planning Guidance (SPG) Play Area Design Guidance sets out the relevant requirements in respect of children's play provision required in association with residential development.

6. Assessment

Principle of Development

Insofar as the principle of development is concerned, 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 includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The application site lies outside the Limits to Development of Ashby, as defined by the proposals map of the adopted Local Plan. The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. Schemes outside Limits to Development and in the countryside can be considered against Adopted Local Plan Policy S3.

Notwithstanding the site's countryside location, 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 its economic, social and environmental roles) as set out in the NPPF.

In terms of the Adopted 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. The settlement boundary of Ashby adjoins the eastern boundary of the application site and existing woodland planting at the western boundary forms a natural buffer to the site with Moira Road

and Burton Road forming physical buffers to the north and southern boundaries. In addition, the lower section of the Holywell Spring Farm site would be immediately opposite the Burton Road boundary of the current application site. As such, the site is well related to the existing settlement boundary, has a natural buffer to the west and is bound by main roads to the north and south and is not, therefore, considered to be an isolated development in the countryside.

Objections have been raised by the Town Council and neighbouring residents, on the basis that the site is a greenfield site. However, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites. It also a material consideration that the provisions of the NPPF do not specifically seek to preclude development within the countryside if they constitute sustainable development. As such, consideration must be given to whether the proposals constitute sustainable development in terms of economic, social and environmental aspects as set out in the NPPF.

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 the 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 housing requirement, on which basis, the Council is now able to demonstrate a supply of 5.0 years (when measured against a 5 year + 20% buffer supply requirement).

Members were advised at Planning Committee in November of the recent appeal decision in respect of a site at Lower Packington Road, Ashby de la Zouch. In dismissing that appeal, the Inspector concluded that the District Council was able to demonstrate that it had a five year supply of housing land. In doing so, however, he expressed concerns regarding the inclusion of an allowance for windfall sites of 43 dwellings per annum. As such, the District Council has now recalculated the current supply having excluded this figure, and the revised figure, including resolutions, when allowing for the 20% buffer, would be 6.14 years and 7.4 years without the buffer. The Inspector also considered that, having regard to the fact that the adopted North West Leicestershire Local Plan only included for sufficient housing land to 2006, and the difference in approach between Policy H4/1 and the NPPF, Local Plan Policies H4 and H4/1 are out of date.

As a result of the above Policy S3 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF and is a material consideration in determining planning applications.

Whilst the weight to be applied to this policy 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).

However, it is accepted that 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.

Sustainable Development

In March 2012 the National Planning Policy Framework (NPPF) was published and introduces the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So long as a development is consistent with these criteria, in principle the development should be considered acceptable.

Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by coordinating development requirements, including the provision of infrastructure. It is considered that the development would benefit the local economy through both the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and maintenance of local infrastructure. Accordingly the site is considered to be consistent with the 'economic role'.

Social - in this respect, developments should support 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 environment. The development would provide both open market and affordable housing, appealing to a wider spectrum within the local market thereby increasing local market choice and appealing to groups whom may have otherwise been excluded from the locality.

Environmental - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The site is located outside the limits to development but is well related to the existing settlement. Furthermore, as set out in the report below, it is considered that the proposal would not be contrary to the aims of protecting or enhancing the natural and historic environment and statutory consultees have indicated that the natural environment would have the potential to be enhanced as a result of the development proposals. As such, the site is considered to meet the environmental aspects of sustainable development.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF,

and the development is considered acceptable in principle, representing sustainable development.

In terms of sustainability, Ashby has a wide range of services and facilities and a regular public transport service and there is a small shop on Abbey Drive close to the Moira Road entrance. 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.

It is noted that the application site is between 1km-1.4km distance from Ashby town centre. Ashby provides a good and wide range of day to day services and facilities which meet the day-to-day needs of Ashby as well as some of the surrounding villages. These include primary schools, a secondary school, a good range of shops, leisure facilities and library, health centre as well as recreational facilities and public houses.

In addition bus stops, with regular bus services, are some 400m and 450m from the centre of the site to Moira Road and Burton Road respectively. Also of note is that whilst the Bloors appeal site on Moira Road is situated to the south east of the application site, the Inspector dealing with that site considered it to be in reasonable walking distance from the town centre.

The scheme also seeks to provide its own on-site play space and public open space with connectivity to existing residential development which, along with the aspirations for biodiversity enhancement, would be of benefit to existing residents in the locality. Furthermore, the scheme also seeks to promote walking through the site by retaining the existing footpath P5 within the site.

Taking into account the sustainability credentials of the site in respect of its surroundings and Ashby town centre, along with the fact that the site is well related to existing built development and the Limits to Development as defined in the Local Plan, it is considered that Ashby is a sustainable location for the level of development proposed for this site.

Loss of Agricultural Land

The loss of agricultural land is a material consideration in relation to the principle of releasing the site for development. The site is currently in use as arable land and the development of the site would result in an irreversible loss of land for a 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. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that greenfield land (much of which will be agricultural in terms of use) will need to be released. 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 applicant has confirmed that the land is designated as Class 3 land on MAFF information but has also submitted an independent report on the ALC issue. That report concludes that 1.5ha of the north east section of the site, closest to Burton Road, is Grade 2 land and the remaining 15ha or so of the site is Grade 3b land which is not BMV agricultural land. As such, 1.5ha of the 16.54ha site would constitute BMV.

It is 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. In addition, it is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it is reasonable to have regard to the extent of the loss in the decision making process, which in this case would be small in scale. Whilst the proposed amount of open space and landscaping would be more than large enough to reverse and accommodate an agricultural use in the future it would be on Grade 3b land since the Grade 2 area would be an area which would be built on around the main access from Burton Road. Whilst this loss of some 1.5ha of Grade 2 land would be regrettable, it would need to be weighed against other material considerations and it is considered that, on balance, the concern would not be so significant as to outweigh the considerations in favour of the scheme.

When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the potential agricultural land quality issue is not sufficient to warrant a refusal of the scheme, particularly given the relatively limited extent of the potential loss (some 1.5ha).

Density, layout, design and residential amenities

The design details of the site are reserved for subsequent approval should this application be approved. However, it is evident from the size of the site (some 16.54ha) in relation to the maximum number of dwellings proposed (275) that the density of the development would be low. As such, and as suggested on the indicative masterplan, there would be opportunity for higher density development adjacent to the adjoining built form off the Abbey Drive estate roads to be in scale and character with that development, with lower density development moving west which would feather into the proposed open space and woodland planting areas linking the scheme with the countryside rather than being an abrupt cut off which would be incongruous.

The indicative masterplan also sets out how development could be achieved on the site with adequate distance separations between proposed and existing developments to ensure there would be no overlooking, overshadowing or overbearing impact.

Whilst the application is outline only with matters of appearance, landscaping, layout and scale reserved for subsequent approval, the indicative masterplan demonstrates a scheme for 275 dwellings could be achieved on site without any adverse impact on visual amenities of the area and without any adverse impact on residential amenities. The proposal would, therefore, be in accordance with Policies E3 and E4 of the Adopted Local Plan.

Highways and public rights of way

A signalised junction is proposed at the Burton Road access and this would take place either individually in relation to this scheme or in conjunction with the Holywell Spring Farm scheme and this would need to be addressed as part of any legal agreement. The Highway Authority has no objection to the proposed Moira Road access. The Highway Authority has made the following comments:

"The development is proposing three new site accesses; one off Burton Road to the north of the site, one of Moira Road to the south and a further minor access off Abbey Close.

The Burton Road site access is proposed as a traffic signalised junction incorporating the Holywell Spring Farm proposal on the opposite side of Burton Road. This is shown in PTB drawing no T13532 001 Rev B. It is the CHA's understanding that the Holywell Spring Farm site now benefits from a planning permission. For the purposes of the TA, the Holywell Spring Farm

has therefore been considered as a committed development. The TA has demonstrated that this combined junction arrangement operates within capacity.

PTB has also submitted a ghost island priority junction, as shown in PTB drawing no T13532 006, which is intended to serve the development in the interim or in a situation where the Holywell Spring Farm development is not materialised. If the Holywell Spring Farm is not delivered, then a signalised junction would not be required to serve the current proposals and the CHA does not wish for such a junction to be provided unnecessarily. However, the provision of ghost island junction in the interim would enable its conversion into a combined traffic signalised junction in the future, and therefore provides an interim solution which both provides flexibility for future development at Holywell Spring Farm without requiring traffic signals to be provided unnecessarily. PTB has demonstrated that conversion from a ghost island to a signalised junction can be provided without significant subsequent alterations to the kerblines on the south side of Burton Road.

The Moira Road site access is proposed as a ghost island priority junction, as shown in PTB drawing no T13532 002 Rev B. The TA has demonstrated that the site access junction will operate within capacity."

As such, the Highway Authority is satisfied that the transport assessment information submitted is correct, and it concludes that there would be no adverse impact on Ashby town centre as a result of the development since there are a number of alternative routes for the development traffic. The applicant is in discussions with Arriva to reroute the number 9 bus service from Moira Road through the centre of the development should the application be approved but this reroute cannot be confirmed at this time.

As part of a legal agreement Travel Packs would also be required, along with a Travel pack monitoring scheme contribution of £6,000.00 and provision of a bus route through the site for five years or until commercially viable

The indicative masterplan shows that the footpath P5 would be incorporated into the scheme along its current route. However, on the basis that the plan is indicative only, a reserved matters scheme could change this and it is recommended that conditions be attached to a permission, should the application be approved.

National Forest and ecological/protected species

The National Forest Company advises that the scheme proposes a scale and integration of National Forest planting that would be welcomed. It also advises that the implementation of the proposed woodland adjoining the development and the aspirations of the proposed Landscape Masterplan and Green Infrastructure Plan are secured through a S106 agreement. It is recommended that these issues be addressed in any legal agreement since the aspirations of the applicant include the retention of existing lines of hedgerow and key trees within the site but landscaping is a matter reserved for subsequent approval, should this outline application be approved.

The land is currently arable and of limited value for biodiversity since the land is worked. As such, the County Ecologist advises that the proposed development would be likely to bring about an increase in biodiversity value if it was to be implemented in accordance with the submitted masterplan. Whilst there are some design concerns about the layout which would mean that the indicative masterplan would not be an approved plan as part of a permission, should the application be approved, an informative could be attached as part of any permission

to advise a developer as to what kind of layout would be sought which would address the County Ecologists comments. The County Ecologist is satisfied with the information relating to protected species that has been submitted.

Natural England advises that it welcomes the high standard (30%) of open space on-site provision which would be in accordance with National Forest policies. Natural England also suggests that the scheme could incorporate wildlife enhancing features into the design, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such issues would be addressed in one of the conditions recommended by the County Ecologist.

Heritage Issues

The NWLDC Conservation Officer advises that there would be no adverse impact on the setting of the Listed Building off Moira Road, which is adjacent to the application site, as a result of the development.

No written comments from the County Archaeologist have been received but pre-application advice was provided and verbal comments on the application have been received. Any written comments subsequently received will be reported on the Update Sheet. It is recommended that conditions relating to the potential underground heritage assets be attached to a permission should the application be approved.

Drainage and River Mease SAC

The Environment Agency has no objection to the proposal in terms of flood risk subject to an appropriate condition. It is noted that a neighbouring property raises concern about flooding of their property from the existing site. However, surface water drainage scheme details would need to be submitted as part of a reserved matters scheme should this current application be approved in order to ensure that the proposed development did not cause flooding on or off the site.

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The flows from the new dwellings will need to be taken into account against the existing headroom at Packington Treatment Works, which serves the Town. At March 2014 capacity as available for 533 dwellings but this is reduced by the number of dwellings that have consent and/or are under construction whilst also considering those which are pending consideration which at the time of writing totalled 233. Taking these into account, assuming all would be approved, capacity available at the treatment works would be reduced. However, it has been confirmed that there is capacity available at Packington Treatment Works to accommodate the proposed development, especially given the closure of the Arla site in Ashby which adds approximately 1900 additional houses to the headroom figure in the 2014 capacity report, and as such raise no objection to the proposal in this respect.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF. When having regard to the existing agricultural use of the site, the proposal for up to 275 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS.

Natural England submit that whilst Severn Trent Water have confirmed there is capacity at the Packington Sewage Treatment Works, hydraulic modelling and infrastructure upgrades are required in order to make this a viable option. Surface water soakaway schemes would need to be investigated further since there is potential for surface water to be discharged into the adjacent water course which flows into Shell Brook, which has hydrological connectivity with the River Mease. These matters can be addressed through condition.

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.

National Forest planting

The requirements of The National Forest Company are set out in the relevant section above and submit that the proposed woodland adjoining the development and the aspirations of the proposed Landscape Masterplan and Green Infrastructure Plan are secured through a S106 agreement.

Affordable Housing

Under the Council's Affordable Housing SPD, 30% affordable housing at Ashby is required on sites of 5 dwellings or more, and the applicant is agreeable to this. This would be incorporated into a S.106 legal agreement as a percentage on the basis that the outline application proposes up to 275 dwellings maximum, but there could be fewer dwellings proposed at the site as part of any reserved matters submission.

Leicestershire County Council

Highways requirements are set out in the relevant section above.

Leicestershire County Council has requested £14,950 towards library services in respect of the proposal of up to 275 dwelling. It is submitted that the proposed development would likely generate an additional 396 plus users and would require an additional 960 items of lending stock plus reference, audio visual, and homework support material to mitigate the impacts of the proposed development on the local library service at Ashby.

A further £1,794,896.24 has been requested in respect of education requirements. The Primary school contribution of £798,534.66 is sought since the scheme would result in a deficit of 66 places which could not be accommodated at Ashby Hilltop Primary School or other schools within a two mile walking distance (Moir, Willesley, Woodcote and Ashby CE Primary Schools). The contribution would be used to accommodate the capacity issues created by the proposal by improving, remodelling or enhancing existing facilities at Ashby Top Primary School. A High School sector requirement of £491,594.68 is sought in respect of a deficit of 27.5 pupil places at Ashby Ivanhoe College which would occur as a result of the development proposal and taking into account other S106 agreements from other schemes. There are no other high school facilities within three miles so the contribution would be used to improve, remodel or enhance Ashby Ivanhoe College. An Upper School contribution of £504,7566.90 is sought in relation to a 27.5 pupil deficit caused by the proposal and would be used to improve, remodel or enhance Ashby School. There are no other high school facilities within a three mile walking distance of the site.

Health Infrastructure

NHS England (Leicestershire and Lincolnshire Area) seek £91,672.59 in relation to the proposed development on the basis that the proposal could result in an increased patient population of 660. It advises that there are two GP surgeries in Ashby, both on North Street. Whilst the North Street practice has advised the NHS that it would have capacity to deal with 106 new patients (based on proportional share to existing size), the Ashby Health Centre would not have capacity for its proportional share of 554 new patients. The facility does not have sufficient consulting rooms to meet the requirements of existing patients and the quality of the building does not lend itself to extensions so NHS England is supporting a new surgery for the practice.

The contributions for NHS England and primary schools cannot take into account the Holywell Spring Farm application proposals since whilst the permission has been issued, works have not begun so there is no guarantee that scheme would come forward. If this application was to be approved, the situation could be reassessed at a future time if necessary.

Policing Contributions

Leicestershire Police seeks £105,631.00 to mitigate the additional impacts of the development with a proposed breakdown as follows:

- £11758 Start up equipment
- £6985 Vehicles
- £710 Additional radio call capacity
- £357 PND additions
- £613 Additional call handling
- £5426 ANPR
- £1000 Mobile CCTV
- £78232 Additional premises
- £ 550 Hub equipment

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

Leisure Services

NWLDC Leisure Services seek £142,500 in respect of leisure facilities at Hood Park Centre. The centre's fitness suite is already running above capacity, and to meet latent demand the suite would need to increase in size. The proposal would result in a potential 151 new members. However, the request made includes existing unmet demand of 136 members as well as that of the development proposal and a revised request has been sought since the current request is not CIL compliant. Any revised request will be reported on the Update Sheet.

Children's Play Area and Public Open Space

The indicative layout shows the proposed public open space and play areas and the applicant is agreeable to entering into a legal agreement to secure the provision of these aspects.

Other than where indicated above, the obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and the developer has indicated they are agreeable to the contributions other than Police and the current Leisure centre requests.

Other Issues

Devaluation of property and loss of view are not material planning considerations. The concerns raised by third parties about the planning process are noted, but the process is set out in legislation and there is always a right to appeal by an applicant if a proposal is refused or an aspect of an approval is not agreed with.

Conclusion

The site lies within the countryside, as defined in the Local Plan. Whilst the proposal would not comply with the Local Plan countryside Policy S3, it is considered that the relationship of the application site to existing development and the current Limits to Development of Ashby de la Zouch along with NPPF sustainability considerations would, on balance, result in a site which would be appropriate for the proposed development.

Whilst the application is in outline form only with all matters other than access reserved for subsequent approval information has been submitted to demonstrate that the site could be developed in appropriate manner in terms of density, layout and scale and without causing any adverse impact on residential amenities of existing dwellings adjacent to the site. In addition adequate affordable housing, open space, National Forest planting and landscaping could be achieved on the site and there would be no adverse impact on the River Mease SAC, flood risk, archaeology or ecology. There would be no adverse impact on the highway network as a result of the development.

Appropriate contributions towards infrastructure requirements are proposed as part of the scheme in order to mitigate the impacts of the development scheme on local facilities and services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION: PERMIT - subject to the signing of the Section 106 agreement and the following conditions:

- 1 Application for the 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).

- 2 Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason- This permission is in outline only.

- 3 The development shall be carried out strictly in accordance with the following schedule of plans unless otherwise required by a condition of this permission:

Site location plan;
Drawing Number T13532 Rev B (PTB plan) - Burton Road site access;
Drawing Number T13532 006 (PTB plan) - Burton Road site access;
Drawing Number T13532 001 Rev B (PTB plan) - Burton Road access;
Drawing Number T13532 003 (PTB plan) - minor access at Abbey Close; and
Drawing Number T13532 002 Rev B (PTB plan) - Moira Road site access.

Reason- To determine the scope of this permission.

- 4 The reserved matters application(s) shall include precise details of the finished floor levels to each dwelling and the finished ground levels across the site in relation to an existing datum point and in relation to the existing levels of the dwellings along the eastern boundary of the site.

Reason- In the interests of visual and residential amenities.

- 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 areas, 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 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.

- 7 Notwithstanding any details submitted and before development commences on the site a detailed scheme for the boundary treatment of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the dwelling is occupied.

Reason- To preserve the amenities of the locality.

- 8 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/subcategories 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.

- 9 None of the dwellings hereby approved shall be occupied until a scheme of measures to ensure the sewer/drainage network has capacity to serve the development has been provided in full accordance with a scheme that has first been submitted and agreed in writing with the Local Planning Authority (in consultation with Severn Trent Water).

Reason- To ensure sufficient capacity is available within the local drainage network.

- 10 No development shall commence on site until such a time as details of the means of disposal of foul drainage from the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details which shall thereafter be so retained.

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 and in the interests of the integrity of the River Mease SAC/SSSI.

- 11 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to demonstrate there would be no adverse impact on controlled waters, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained 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 prevent flooding by ensuring the satisfactory storage of, and disposal of, surface water from the site.

- 12 No development shall commence until full details of comprehensive soft and hard

landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) Proposed species rich grassland across the whole site;
- b) Proposed native hedgerow planting;
- c) Schedules of all planting, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate; and,
- d) Implementation and management programme.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

- 13 The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

- 14 No development shall commence until a biodiversity management plan for all retained and created habitats including SUDS has been submitted to and agreed in writing by the Local Planning Authority. The SUDS should be designed to maximise benefit to wildlife.

Reason- In the interests of nature conservation.

- 15 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 September (inclusive).

Reason- In the interests of breeding birds, and to ensure no adverse impact on other protected species in the interests of nature conservation.

- 16 No development shall commence on site until details of the design and location of bird nesting boxes and bat boxes have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details, and the measures incorporated shall thereafter be so retained.

Reason- In the interests of providing potential bird nesting and bat roosting sites in the interests of nature conservation and enhancing the biodiversity of the site.

- 17 All landscape planting in the informal/natural open space and adjacent to the western site boundaries next to open countryside should be of locally native species only.

Reason- In the interests of nature conservation.

- 18 Buffer zones of at least 5m of natural vegetation should be maintained alongside all

retained hedgerows.

Reason- In the interests of nature conservation.

- 19 No development shall commence until a lighting scheme for the development site has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include provisions to demonstrate that light spill onto retained hedgerows and the brook corridor, to be minimised to a value of 1 lux or lower at the edge of the habitats.

Reason- In the interests of protected species.

- 20 Should development not start for three years since the last survey (late 2013) an updated badger survey will be required to be submitted.

Reason- In the interests of protected species on the site.

- 21 No development shall commence on site until a protective fencing scheme for all trees that overhang the site in accordance with British Standard 5837:2005 (which shall include a plan to a metric scale showing the position of the protective fencing and details of the design of the fencing) has been submitted to and agreed in writing by the Local Planning Authority. No development shall commence on site until the agreed scheme has been implemented and it shall be kept in place until construction of the buildings, and the associated areas of hard surfacing is completed.

Reason - In the interest of health and safety and the amenity value of the trees.

- 22 If any works are to be carried out within the areas bounded by the protective fencing, then no development shall commence in respect of these works until a method statement which sets out how the development will be undertaken within these areas has been submitted to and agreed in writing by the Local Planning Authority. The works within the areas bounded by the protective fencing shall be undertaken in accordance with the agreed method statement.

Reason - in the interest of health and safety and the amenity value of the trees.

- 23 No work shall commence on the site until such time as a scheme for protecting the existing trees and hedgerow, identified as being retained, during the construction process has been submitted to and approved by the Local Planning Authority and implemented to its satisfaction. The scheme shall include measures to protect the working area within Root Protection Areas. Such protection as is agreed shall be maintained during the course of development.

Reason- To ensure satisfactory protection of the existing trees and hedgerow in question during the period when construction works take place on the site.

- 24 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the

initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)

- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 25 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 24.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 26 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 24 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 27 No development (except the 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 Investigation of Potentially Contaminated Sites Code of Practice;
 - 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 the 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 and 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.

- 28 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed 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;
 - 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.

- 29 No development shall commence on site until a detailed method statement for construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The method statement should set out methodologies to remove any risk of fuel, petrol, oil, soils, building materials, bankside material and waste water entering the nearby stream during construction, including how and where materials, fuel and plant will be stored and contained, containment of waste water on the construction site, use of site spill kits and briefing to construction staff. The statement shall also set out means of dealing with dust emanating from the site and the means of construction vehicle wheel wash. All construction works relating to the development hereby approved shall be carried out in accordance with the agreed method statement.

Reason - In the interests of the River Mease SAC and in the interests of residential amenities.

- 30 Prior to commencement of development, a detailed design of the proposed signalised site access junction at Burton Road (as shown in PTB drawing T13532 001 Rev B) or ghost island site access junction at Burton Road (as shown in PTB drawing T13532 006); ghost island priority junction site at Moira Road (as shown in PTB drawing T13532

002 Rev B); and minor vehicular site access at Abbey Close (as shown in PTB drawing T13532 003) shall be submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure a satisfactory form of development and in the interests of highway safety.

- 31 Prior to commencement of development, a traffic calming scheme on Moira Road in the vicinity of the proposed site access shall be submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure adequate and safe access for all modes of transport to and from the development.

- 32 Prior to the occupation of any dwelling hereby permitted, either the Burton Road site access (as shown in PTB drawing T13532 001 Rev B or T13532 006) or the Moira Road site access (as shown in PTB drawing T13532 002 Rev B) shall be provided in full and be available for use.

Reason- To ensure adequate and safe access for all modes of transport to and from the development.

- 33 Notwithstanding the details in the submitted Travel Plan and Transport Assessment, a Public Transport Scheme shall be submitted to and approved in writing by the Local Planning Authority and the CHA to include full details of the proposed destinations, routes, days and hours of operation, frequency and duration of provision of daily bus service(s) to serve the development. The bus service(s) shall be provided thereafter by the developer in accordance with the approved details until such time that the said services become commercially viable.

Reason- To ensure high quality frequent public transport choice for all new residents from early occupation in order to encourage modal shift.

- 34 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:

- i. 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,
- ii. 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,

iii. 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:

iv. The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,

v. 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.

vi. The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and

vii. 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.

35 Before first use of the development hereby permitted, a footway shall be completed to the satisfaction of the Highway Authority from existing footways on Burton Road, Moira Road and Abbey Close to the point of the new access to the site.

Reason- The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.

36 No development shall commence on site until such time as a development masterplan, detailing a continuous spine road between the Burton Road and Moira Road site accesses, has been submitted to and approved in writing by the Local Planning Authority. The spine road(s) shall be a minimum of 6 metres wide throughout in order that it can safely accommodate the proposed bus service along its length, and shall also detail location and specification of bus stops.

Reason- To ensure that the buses and other vehicles entering, leaving and travelling through the site may pass each other clear of the highway and not cause problems or dangers within the highway.

37 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.

38 No construction traffic shall be permitted on Abbey Close.

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.

39 No development shall commence on the site until such time as details of the routing of construction traffic has been submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason- To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

40 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 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.

Notes to applicant

1 Planning permission/or approval of reserved matters (delete as appropriate) has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage 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).