
Demolition of existing commercial building and erection of 188 dwellings, B2 manufacturing unit and associated development including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping and drainage

**Report Item No
A2**

Slack And Parr Ltd Long Lane Kegworth Derby DE74 2FL

**Application Reference
14/01132/FULM**

**Applicant:
Davidsons Developments Ltd And Slack And Parr
(Investments)**

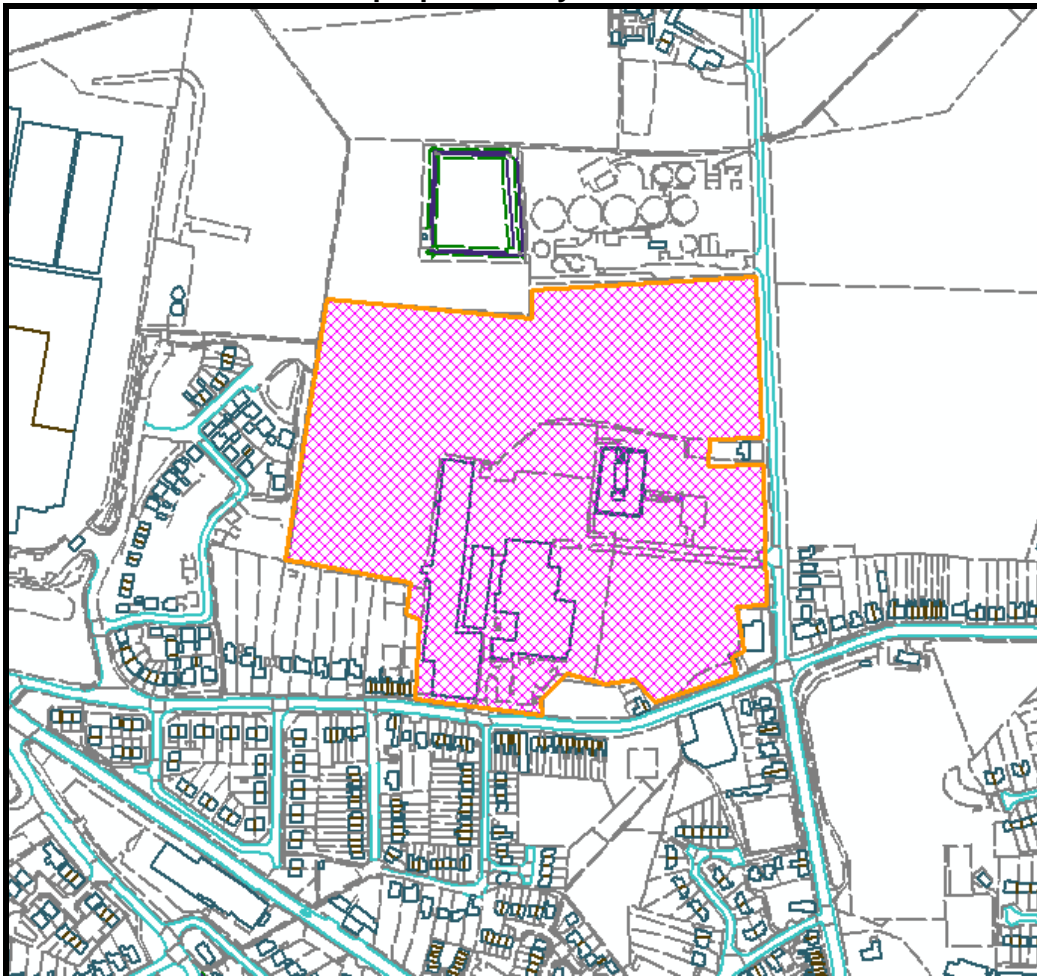
**Date Registered
11 December 2014**

**Case Officer:
Sarah Worrall**

**Target Decision Date
12 March 2015**

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

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Conclusion

Reason for Call In

The application has not been called in but is reported to the Planning Committee as it is an application of public interest and raises matters which should be referred to the Planning Committee for consideration.

Proposal

This application seeks full planning permission for the demolition of existing commercial building and erection of 188 dwellings, B2 manufacturing unit and associated development including vehicular access, pedestrian and cycle links, public open space, car parking, landscaping and drainage.

Access to the residential section of the site would be from Side Ley and Long Lane and the access to the proposed industrial unit would be from the existing access at Long Lane.

Consultations

Members will see from the main report below that 4 letters of objection to the scheme have been received. Concerns have also been raised by Kegworth Parish Council and Sport England has objected to the scheme. There are no other objections raised from statutory consultees at the time of writing this report.

Planning Policy

The application site is located within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant, is the District's housing land requirements, and the need as set out in the National Planning Policy Framework, (NPPF) to demonstrate a five year supply.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. The proposal also involves the consolidation of the existing commercial business on the site through demolition and redevelopment to ensure that the business is fit for the 21st century. Based on the above, the proposed scheme is considered to comply with the core principles of the NPPF and is, therefore, acceptable in principle.

At a more detailed level, the proposed development would be acceptable in terms of density, layout and scale, residential amenities, highway safety, flood risk and drainage, archaeological, arboricultural and ecological impacts.

A viability report submitted by the applicant and agent has been assessed independently on behalf the District Council and concludes that a policy compliant scheme, for any contributions including affordable housing, is not viable. However, the agent has confirmed that appropriate contributions to infrastructure, and a 5 percent on site affordable housing element, would also be made so as to mitigate the impacts of the proposals on local facilities/services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

It is therefore recommended that planning permission be granted, subject to conditions and the signing of the S106 Agreement.

RECOMMENDATION: PERMIT, subject to the signing of the Section 106 Agreement and 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 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 a full application for the demolition of existing commercial buildings and erection of 188 dwellings, a B2 manufacturing unit (gross internal floorspace 7156 sq m) and associated development including vehicular accesses on Side Ley and Long Lane, pedestrian and cycle links, public open space, car parking, landscaping and drainage.

The proposal indicates the developer's agreement to provide off site highways works to assist with traffic calming and improvements to public transport facilities and these would be dealt with through a legal agreement should the application be approved.

The site is some 8.92 hectares in size and is situated to the northern edge of Kegworth. The site comprises an existing factory complex which manufactures precision engineering equipment together with other land within its ownership to the north and west of the existing factory complex. That other land is essentially split into two parcels which are currently being used for agricultural purposes. The field to the west was formerly a private sports ground used in association with the factory's sports club. A smaller area of grassed land at the south east corner of the site was formerly used as allotments.

The application also comprises an Arboricultural Assessment, Archaeological Desk Based Assessment, an Air Quality Assessment, a Demolition Method Statement, An Ecological Assessment, Flood Risk and Drainage Design, a Geophysical Survey, a Ground Investigation report including percolation tests, a Landscape and Visual Appraisal, a Noise Assessment, and Odour Assessment, a Services and Utilities Report, a Transport Assessment, a Planning Statement, a Design and Access statement including a Building for Life 12 Assessment, and Draft Heads of Terms for a legal agreement. A viability report was submitted during the course of the application process and has been considered independently by the District Valuer Services.

Planning History

Various applications for additions to the factory complex were made in the 1970's, 1980's and the mid 1990's.

Application 91/0999 granted outline permission for industrial development at the north east and south east areas of the current application site, and the subsequent application 92/0188 sought to vary two conditions of that outline permission.

The next development proposal at the site was 06/00091/OUT, an outline application for residential and business development at the site. The application progressed to Planning Committee stage in December 2007 when it was resolved to approve the application subject to conditions and a S106 legal agreement. The legal agreement has not been signed and the application remains undetermined at this time.

2. Publicity

71 no neighbours have been notified.(date of last notification 18 December 2014)

Press Notice published 7 January 2015

Site notice posted 7 January 2015

3. Consultations

Kegworth Parish Council consulted
 Highways Agency- affecting trunk road consulted 18 December 2014
 County Highway Authority consulted 20 March 2015
 LCC Development Contributions consulted 20 March 2015
 Environment Agency consulted 20 March 2015
 NWLDC Tree Officer consulted 20 March 2015
 Airport Safeguarding consulted 20 March 2015
 NWLDC Urban Designer consulted 20 March 2015
 NHS Leicester, Leicestershire And Rutland Facilities Management consulted 20 March 2015
 Head Of Leisure And Culture consulted 20 March 2015
 Police Architectural Liaison Officer consulted 20 March 2015
 Head Of Street Management North West Leicestershire District consulted 20 March 2015
 Head of Environmental Protection consulted 18 December 2014
 Severn Trent Water Limited consulted 19 December 2014
 Head of Environmental Protection consulted 19 December 2014
 County Archaeologist consulted 19 December 2014
 LCC ecology consulted 19 December 2014
 County Planning Authority consulted 19 December 2014
 Development Plans consulted 19 December 2014
 Manager Of Housing North West Leicestershire District Council consulted 19 December 2014
 Police Architectural Liaison Officer consulted 19 December 2014
 LCC/Footpaths consulted 19 December 2014
 NWLDC Footpaths Officer consulted 19 December 2014
 Highways Agency- affecting trunk road consulted 19 December 2014
 Sport England- loss of playing field consulted 19 December 2014

4. Summary of Representations Received

Kegworth Parish Council - Concerns have been raised in February, April and July 2015. Issues for concern relate to highway safety, contamination, whether there is a need for further housing in Kegworth, children's play area provision and other leisure infrastructure, parking from student housing, a pedestrian footway link to the adjacent Bellway site should be provided, no bungalows are proposed, close proximity of the surface water balancing area to houses, and planning obligations. The Parish Council expresses the view that *'the new factory should not be funded to the detriment of funding extra public facilities within the village of Kegworth... The Council (sic Parish) feels that the two developments should be judged on their own merits and the village not disadvantaged by one development funding the other with no benefit to the village.'* The Parish Council request that if the application is approved, a condition relating to hours of working on site is attached to any permission;

Highways Agency (now Highways England) - No objection;

Severn Trent Water - No objection subject to condition;

Environment Agency - Original objection, confirmed 29 May 2015 No objection subject to conditions;

Sport England - Holding objection in respect of the loss of playing field and no financial contribution proposed in lieu;

Leicestershire and Rutland Sport - A financial contribution of £180,349.00 is required to invest in sports facilities at the Castle Donington College site, Moira Dale playing fields or Spital Park;

NHS England - No comments received;

Leicestershire Police - A financial contribution of £67,239.00 is required in respect of the proposal;

LCC Archaeology - No objection subject to conditions;

LCC Highways - No objection subject to conditions;

LCC Footpaths - No objections subject to condition;

LCC Education - A financial contribution of £540,113.05 (Primary school - £195,036.04 and Upper school - £345,077.01) is required in respect of the proposal (6 January 2015) FOLLOWED BY revised figures on 10 April 2015 requesting a financial contribution of £716,388.90 (Primary school - £267,630.10, High School - £103,681.79 and Upper school - £345,077.01).

LCC Landscape - No comments to make;

LCC Ecology - No objection subject to conditions;

LCC Civic Amenity - A financial contribution of £8,029 is required in respect of the proposal;

LCC Library Services - No contribution sought;

NWLDC Affordable Housing Enabler - Sets out the requirements for a policy compliant scheme;

NWLDC Environmental Protection - Noise - No objection subject to condition;-

NWLDC Environmental Protection - Contamination - No objection subject to conditions;

NWLDC Footpaths Officer - No objection;

NWLDC Waste Services - No objection, informatives recommended;

NWLDC Urban Design Officer - No objection.

Four letters of objection have been received in respect of the proposal. Comments can be summarised as follows:

Infrastructure

- There is a lack of services - one doctors surgery, no dental practice, one primary school and no secondary school, no Police station and one small Post Office with restricted services;
- There will be an extra burden on the sewage system;

Highways

- Highway safety concerns regarding the increase in vehicles to the area especially during rush hour when traffic moves to join J24 along Station Road, Packington Hill and the A6;
- Further vehicles on the single carriage roads will cause more bottlenecks and increase the risk of RTA's and pollution in the village;
- Side Ley, Station Road and Long Lane are narrow single roads with no parking restrictions and on street car parking issues already arise and impede pedestrian access, wheelchair and pushchair users;
- Highway safety concerns regarding the increase in vehicles to the area and potential conflict with pedestrians crossing Side Ley and Station Road to access village facilities and also the users of the Public Rights of Way off Long Lane;

Environmental

- Since Citrus Grove has been built there has been a significant decrease in sightings of birds of prey;
- Since Citrus Grove has been built there has been a large decline in garden birds which visit my garden;
- There is wildlife including pheasants, rabbits, squirrels and foxes as well as other flora and fauna in the fields adjacent to Slack and Parr and the development will affect this;

Demand for housing

- Are more houses necessary?
- There have been a lot of new developments in Kegworth over the past 10 years including Packington Hill, Citrus Grove, Hollands Way, Hayward Gardens and Mulberry Gardens along with plans for more houses on Ashby Road;
- Many houses in Kegworth are up for sale, rent and some are unoccupied;

Residential Amenity

- The layout of the proposed development will mean that the back of the houses would overlook our property and garden (Howard Drive) so we would expect an evergreen barrier between us and the proposed site;
- The tree in the corner of our garden along with the shrubbery along our boundary must not be affected as we enjoy the various wildlife that uses it.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed 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.

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

Paragraph 14 (Presumption in favour of sustainable development)
Paragraphs 18-20 (Building a strong, competitive economy)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 47 (Delivering a wide choice of high quality homes)
Paragraph 49 (Delivering a wide choice of high quality homes)
Paragraph 54 (Delivering a wide choice of high quality homes)
Paragraph 57 (Requiring good design)
Paragraph 59 (Requiring good design)
Paragraph 61 (Requiring good design)
Paragraph 64 (Requiring good design)
Paragraph 74 (Promoting healthy communities)
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 109 (Conserving and enhancing the natural environment)
Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 119 (Conserving and enhancing the natural environment)
Paragraph 120 (Conserving and enhancing the natural environment)
Paragraph 122 (Conserving and enhancing the natural environment)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

North West Leicestershire Local Plan

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.
Policy S2 - Limits to Development
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy L21 - Children's Play Areas

Other Guidance

National Planning Practice Guidance - March 2014.

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Kegworth. This has been superseded by national policy which sets the threshold at 10 dwellings or 1,000sqm floorspace.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Kegworth.

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.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

6. Assessment

The main considerations with regards to this application are the principle of development, the density, layout and design of the proposal, any impact upon residential amenity, highway considerations, public footpaths and cycle routes, impact upon trees, protected species/ecology, archaeology, drainage and flood risk, developer contributions and other matters.

Principle of development

The site is an existing factory complex and associated land within the same ownership and lies within the Limits to Development of Kegworth where development is, in principle, acceptable subject to material planning considerations under Policy S2 of the Adopted Local Plan. The material planning considerations relating to the site are set out in separate sections below.

Additionally, Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the housing element of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Kegworth benefits from a range of local services, is accessible via public transport and, in general, is considered to be an appropriate settlement for new residential development and, as a settlement, would score well against the sustainability advice in the NPPF.

Parts of the site not occupied by the existing factory complex are undeveloped and are currently used for agricultural purposes. In terms of the site's greenfield status, it is accepted that parts of the site do not perform well in terms of any sequential approach to development. However, this issue needs to be considered in the context of the overall proposal which seeks to redevelop the north east section of the site with a new factory to ensure the existing business can operate

efficiently and in a way that meets the requirements of the 21st century as well as the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land, it is 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.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic consolidation and growth associated with the proposed development, together with contributions towards infrastructure would mean that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the loss of some Greenfield land within the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural or built environment. In addition, by virtue of the site being surrounded by existing development within Kegworth, being close to village services, and having good access to public transport, the mixed use development would perform well in terms of need to travel and the movement towards a low carbon economy.

It is also a material consideration that there was a resolution to approve application 06/00091/OUT for residential and business development at the same site as the current application in 2007. The legal agreement relating to the proposal has not been signed which is why the permission has not been issued. The principle of development on this site was considered acceptable in 2007, taking into account the policies at that time, by the Planning Committee. However, there have been material changes in planning policy since 2007 which also have to be taken into account and it is considered that limited weight should be given to the earlier resolution to permit.

Design Considerations

The residential element of the scheme has been the subject of pre-application discussions with the NWLDC Urban Designer and the application was submitted with a Design and Access Statement incorporating a Building for Life 12 summary. The Council's Urban Design Officer has confirmed that subject to the imposition of conditions, the scheme would perform positively against Building for Life and would therefore be consistent with the Council's aspirations for high quality design. It is noted that a public consultation exercise took place prior to an application being submitted and the feedback from this has been included within the Planning Statement submitted as part of the application.

The layout of the site is restricted to a certain extent by the need to incorporate a new industrial building for the existing business use to move in to within the site, and due to part of the site being located within Flood Zones 2 and 3. The north west corner of the site is being retained as a flood water storage area.

A strong grid form has been incorporated into the layout for the residential element to complement the grid pattern of Borrowell, Frederick Avenue and Wyvelle Crescent on the opposite side of Side Ley. The layout provides for a defined internal road network and offers opportunity for key views to specific properties, open space or landscape features proposed within the layout, including a focal courtyard area towards the centre of the site.

The range of terraced, semi-detached and detached properties of 2, 3 and 4 bedroom configuration and 2 storey proportions adds interest and provides strong attractive street

scenes, softened by the variation in architectural detailing, materials, surfacing, boundary treatments, trees and landscaping.

In addition, the proposal would involve the demolition of the existing factory complex to the southern central section of the site, and the erection of a new development at the north east corner of the site. The new unit would be rectangular in shape and have a footprint of some 94m x 52m. The roof would be a symmetric curve across the width of the building which would front Long Lane. The curved roof would be 9m high at eaves level, and a maximum of some 12m at the highest point of the curve. It would incorporate dark grey cladding and glazed exterior finish and would have ancillary car parking and landscaped areas.

As such the scheme would be in accordance with Policy E4 of the Adopted Local Plan and the overarching intentions of the NPPF.

Residential Amenity Considerations

The proposed residential development would not cause any overlooking or overbearing issues within the site itself. In addition, the rear elevations of dwellings proposed on the western side of the site would be set at least 11m away from the site boundary, and some 17m away from the side of No.22 Howard Drive, and some 20m from the backs of other dwellings off Howard Drive and Wood Drive. As such, there would be no direct overlooking of existing properties or associated curtilage as a result of the proposed development, and there would be no overshadowing or overbearing impact.

The sides of proposed dwellings would be located some 5m minimum away from the boundary of gardens associated with property Nos.68 - 92 Side Ley. The existing gardens are substantial in length and would result in a distance separation of more than 70m between the existing dwellings on Side Ley and those proposed at the application site. There would be no adverse residential amenity impacts on those existing properties as a result of the proposal.

No.66 Side Ley adjoins the existing employment site and proposed dwellings would face the side of the dwelling and its curtilage with a distance separation of 10.5m minimum between the existing boundary and the proposed dwellings. As such, there would be no direct overlooking of existing properties or associated curtilage as a result of the proposed development, and there would be no overshadowing or overbearing impact.

In addition the existing allotment gardens fronting Side Ley do not form part of the application site and existing properties at Nos. 10 and 12 Side Ley would have the allotments to the west of No.12 and proposed open space to the east of No.10. A dwelling (plot 151) would be situated to the north of the two existing properties but would have a proposed side to existing back relationship which would ensure there would be no direct overlooking as a result of the proposed development. A minimum distance separation of 12m at the side to back relationship, and orientation of the proposed in relation to the existing, would also ensure there would be no overshadowing or overbearing impact on Nos. 10 and 12 Side Ley from the proposed development.

A demolition management plan would be required as part of any demolition scheme and measures would be put in place to ensure minimal impact on adjacent and nearby properties as a result of the demolition. Whilst the intention is to demolish the existing industrial development, the submitted information indicates a phased development approach. This would provide for the new industrial unit and site to be constructed and laid out in conjunction with a first phase of residential development, with a second phase to comprise demolition of the existing works and

making good the land, followed by subsequent phasing of the remaining residential development.

A further aspect to consider is the impact of the proposed general industrial unit on the proposed residential development. National planning guidance requires that existing operations should not be prejudiced as a result of proposed development. NWLDC Environmental Protection has confirmed that there have been no complaints about noise or odour from the existing use during the past couple of years, and also confirm there is no objection to the proposed mixed use development on the basis of the technical information submitted as part of the application.

A new unit for the same use would ensure that modern noise, dust and odour solutions would be incorporated into the design as appropriate. The site layout demonstrates that there would be a car parking and landscaped buffer between the proposed industrial unit and the proposed dwellings at Plots 62-75 inclusive. Plots 83 and 187 would be situated adjacent to the proposed Long Lane access to the site. As such, there would be no conflict of use between the proposed new industrial unit and the proposed dwellings within the overall site. An existing sewage works is located to the north of the site and the proposed industrial unit, and a flood compensation area is proposed to the west of the commercial unit.

As such the scheme meets the requirements of Policy E3 of the Adopted Local Plan and the provisions and intentions of National Planning Policy.

Highway Considerations

Technical information in relation to the proposal, including a Road Safety Audit and Transport Assessment, has been submitted as part of the application and has been considered by CHA and Highways England.

New vehicular accesses are proposed at Side Ley and Long Lane for the residential element of the scheme, with the industrial unit being served by a separate access off Long Lane.

The residential element of the proposal would include a hierarchy of roads within the development in order to create focal points and to reduce speeds within the development. The internal layout submitted was considered by the County Highway Authority (CHA) which suggested some minor amendments to the residential part of the scheme and a revised layout plan was submitted on 8 May 2015. This included increased visibility on some corners within the residential development and direct access onto Side Ley from Plots 178-182 inclusive. Sufficient off-street parking would be provided for each of the units proposed, including garage units.

CHA confirmed it has no objection, subject to conditions including off site works. Indicative off site works have been submitted as part of the application to show traffic calming measures. CHA would agree the final details with the developer through a separate S278 highways application should this planning application be approved.

Highways England have confirmed there would be no adverse impact on the wider strategic road network as a result of the development.

In summary, the scheme would be in accordance with Policies T3 and T8 of the Adopted Local Plan and the provisions and intentions of National Planning Policy.

Public Rights of Way

Public Footpath L59 extends along the northern boundary of the land where the commercial building is proposed to be located and joins Public Footpath L60 outside the western boundary of the application site. Footpath L59 then abuts part of the western boundary of the commercial building before continuing inside the northern and western boundaries of the proposed flood compensation area.

LCC Footpaths have requested that planning consent should be conditional upon provision for Footpath L59 along its route. In addition, having regard to the potential increase in use of the footpath likely to be generated by the proposed development, the sections of it within the boundaries of the application site should comprise a minimum surfaced width of 2.0 metres, together with grass borders of at least one metre along either side. This surface treatment is in accordance with the County Council's Guidance Notes for Developers, which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide and could be dealt with by condition should the application be approved.

Tree and Ecological considerations

There is a group Tree Preservation Order (TPO) to the Side Ley frontage and situated to the east of the existing commercial site Side Ley access, and there are also other mature trees at the site boundaries. An arboricultural survey including mitigation measures has been submitted as part of the application.

The group TPO comprises four trees and three of these would be retained, one (T8 on the submitted information) would be removed due to poor condition. The report also notes commemorative trees to the east of the site which would be translocated within the site due to local importance and connections to the history of the site. The proposed site layout has incorporated existing planting wherever possible through including in garden areas or areas of open space. There are also landscaping opportunities for further tree planting and habitat creation which could be addressed through condition should the application be approved. Conditions could also be attached to any permission to ensure tree protection for existing trees proposed to be retained.

The County Ecologist confirms that the submitted ecological report is satisfactory in relation to the proposal and no further survey work is required prior to determination. Should the application be approved, conditions relating to a badger survey, landscaping to include native species, submission of a biodiversity management plan, light spill, and provision of bat boxes should be attached to any permission.

The proposed development would, therefore, be in accordance with Policy E7 of the Adopted Local Plan and landscaping and ecological requirements of National Planning Policy.

Archaeology

The application has been accompanied by an Archaeological Desk Based Assessment and the application has been considered by the County Archaeologist who advises that the site lies on an area of uncertain potential, lying outside the projected historic settlement core, on the gravel terrace at the edge of the Soar/Trent flood plain, a topographic location that has previously shown some potential for Neolithic and Early Bronze Age activity. There is also indication of Roman and later activity in the area.

In the former instance Long Lane (MLE4658) seems to be a strong candidate for a Roman road, heading toward the Red Hill (Notts.) settlement, with a possible farmstead situated some 600m north of the present site (MLE8049). The HER also notes the presence of a former windmill, marked on the OS 25" 1st edition, apparently within or on the edge of the development area (MLE4635). Other features noted in an appraisal of the historic mapping are the suggested presence of a pinfold on Side Ley, in the vicinity of the allotments and an apparent structure noted on the Ordnance Survey Drawings located at the junction of Side Ley and Long Lane.

The County Archaeologist concludes that development of the application area will inevitably result in damage to or destruction of surviving archaeological remains. However, this does not necessarily preclude development of a site and it is noted that the County Archaeologist has no objection to the proposal subject to condition.

NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context The County Archaeologist recommends that conditions for a staged programme of archaeological mitigation, commencing with an initial phase of trial trenching, followed as necessary by targeted investigation and recording, be attached to any permission. As such, the proposal would meet the requirements of the NPPF.

Drainage and Flood Risk

The application has been accompanied by a Flood Risk Assessment (FRA), which has been considered by The Environment Agency which raises no objections, subject to the imposition of planning conditions.

Part of the north east section of the application site, where the commercial unit is proposed, lies within Flood Zone 3 functional floodplain, and the overall northern section of the site and part of the western section of the site lies within Flood Zone 2.

Further information relating to the sequential test for development was requested from the applicant following various discussions and a meeting and this was submitted and sent to The Environment Agency for further consideration.

The additional information clarifies matters with regards to the floodplain issue and the proposal meets the sequential test for development proposals in the functional floodplain. In addition a flood compensation area would be incorporated as part of the scheme at the north west corner of the site.

The Environment Agency has confirmed it has no objection to the proposal based on the information submitted and subject to conditions which the agent has indicated the developer would be agreeable to. Severn Trent Water has also confirmed no objection subject to condition.

A sustainable surface water drainage scheme would be included as part of the proposal and it is recommended that, notwithstanding the submitted information, details of this scheme be required through condition should the application be approved.

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. On this basis the proposal would be in accordance with the provisions and

intentions of the NPPF in respect of flood risk and surface water drainage.

Air Quality, Noise, Odour and Contamination

Technical reports have been submitted in respect of air quality, noise, odour and contamination and no concerns have been raised by statutory consultees in respect of the information submitted.

With regard to air quality, the site lies outside the Kegworth Air Quality Management Area but traffic emanating from the site could impact on that area. Surveys and projections in respect of pollution are included in the air quality report which concludes that the proposed development will have negligible impact on air quality and on the Kegworth Air Quality Management Area.

Noise has also been addressed in relation to the proposed commercial development and the existing and proposed residential development. The report concludes there would be no adverse impact on residential amenities as a result of the proposed scheme through noise from the business use. As stated previously in the 'Residential Amenity Considerations' section, NWLDC Environmental Protection confirms there have been no complaints of noise about the existing business use at the site from local residents in the last couple of years.

An odour report was submitted in respect of the impact of the existing sewage treatment works to the north of the site on the proposed residential development element of the scheme. The report concludes there would be no adverse impact on the proposed development as a result of the existing sewage treatment operation.

The contamination report reveals some contamination, including historical leaching, at the existing factory complex site which would need to be addressed prior to construction of any new development proposal. Since the existing factory complex site would be redeveloped with houses and associated garden areas, should the application be approved, certain standards of mitigation would need to be met. NWLDC Environmental Protection confirms it has no objections to the proposal subject to conditions relating to investigation, verification and mitigation of contamination.

Developer Contributions and Viability Considerations

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 developer submitted a viability report as part of the application during its early stages. The District Valuer, as an independent body, has assessed the report and issued its conclusions to the District Council. The DVS conclusion is that the viability report and supporting information submitted by the developer demonstrates that a policy compliant mixed-use development scheme is unviable at the current time, and that there would be a financial deficit with any developer contributions. Notwithstanding this outcome, the developer has indicated it would be agreeable to various contributions in respect of the housing

Affordable Housing

Under the Council's Affordable Housing SPD, 30% affordable housing is required on the site which would equate to 56 dwellings for the current proposal. The scheme proposes 9 affordable units (5%) in total with tenure to be agreed with the Council's Strategic Housing Team in due course should the application be approved. The NWLDC Affordable Housing Enabler has taken into account the viability report and DVS conclusions and is satisfied with the proposed affordable housing provision in this instance.

Open Space and Children's Play Area

The Council's Play Area Supplementary Planning Guidance (SPG) states that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development. In this instance, an existing play area on the opposite side of Side Ley would fall within 400 metres of the site. The potential route that users (children) would need to take along proposed and existing footpaths, to access the play space, from the centre of the site would be some 300m so would fall within the 400m walking distance. The developer has confirmed it would be agreeable to making a financial contribution towards the facilities at the existing play area at Side Ley rather than providing a play area onsite following discussions with Kegworth Parish Council. This contribution for the play area will be secured through the S106 agreement.

An obligation relating to management plans for any open space, landscaping and SUDS to ensure that the land is properly established, maintained and managed in the future would also be required.

Concerns have been raised by Sport England and the Parish Council in respect of the loss of the private playing field which was associated with the factory. It should be noted that Sport England states its response is a non-statutory response since the playing field is no longer on the site and the site is not considered to form part of, or constitute a playing field as defined in Schedule 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015). This is because the playing field at the site has not been used for a period in excess of 5 years.

However, Sport England argues that part of the site 'constitutes a playing field, albeit not on a statutory basis' since it was a statutory consultee on the outline application 06/00091/OUT.

The District Council does not agree with this position on the basis that no part of the site constitutes a playing field as defined in the DMPO 2015. In addition, the agent has submitted correspondence from the Project Director of Slack and Parr Ltd to confirm that the former football pitch 'was for the sole use of factory employees and was officially closed down in 1999 with the removal of all goal posts and the club house. Since that date the land has been used to grow agricultural crops.' As such the current holding objection submitted by Sport England does not stand.

The fact that during the 2006 application the land was considered to be a playing field and a financial contribution in respect of off-site provision for a replacement was agreed at that time is relevant to the consideration current application, but does not hold any weight in the determination of the current scheme since there is no fallback position in respect of the 2006 application.

It could be submitted that the District Council did not need to consult with Sport England on that basis however, it was considered appropriate and good practice to consult with all bodies who had commented on the 2006 application.

Notwithstanding viability and playing field developer contribution issues, the key fact is that no part of the current application site constitutes a playing field as defined in the DMPO 2015. As such, no contribution is required in respect of an offset to the former playing field.

Leicestershire and Rutland Sport has requested a financial contribution of £180,349.00 to invest in sports facilities at the Castle Donington College site, Moira Dale playing fields or Spital Park.

Leicestershire Police

A financial contribution of £67,239.00 is required in respect of the proposal with a breakdown as follows:

Start up equipment	£7642
Vehicles	£4779
Additional radio call capacity	£ 479
PND additions	£ 244
Additional call handling	£ 438
ANPR	£2055
Mobile CCTV	£ 375
Additional premises	£50851
Hub Equipment	£ 376
Total	£67239

Healthcare

NHS England has been consulted on the application and has made no request for a developer contribution.

Other Developer Contributions

As a result of the LCC Developer Contributions consultation, the following contributions have been requested:

LCC Highways

To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- 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 (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 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 2 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.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120 per display.
- Bus shelters at 1 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4908 per shelter.
- Real Time Information (RTI) displays at nearest bus stops; as RTI is known to increase bus patronage where it is available. At £5840 per display. [source - www.dft.gov.uk/itstoolkit/case-studies.htm]
- A monitoring fee of £6000 to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.
- A £5000 contribution towards these measures to physically stop up Long Lane/Warren Lane to allow access for walkers, cyclists and horse riders only. This will involve a TRO as well as a physical barrier.
- A £5000 contribution to TROs at the new site access junctions to manage on street parking to ensure they are able to operate safely and effectively.

LCC Education

January 6 2015 - A financial contribution of £540,113.05 (Kegworth Primary school - £195,036.04 and Hind Leys Community College Upper school - £345,077.01) was requested in respect of the proposal

10 April 2015 - Revised figures requesting a financial contribution of £716,388.90 (Kegworth Primary school - £267,630.10, Castle Donington Community College High School - £103,681.79 and Hind Leys Community College Upper school - £345,077.01) was received in respect of the proposal.

LCC Civic Amenity

A financial contribution of £8,029 is required in respect of the proposal;

LCC Library Services

No contribution is sought.

Assessment of Financial Requests

The Travel Plan which is required to achieve the defined outcomes in the Travel Plan to ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning

Policy Framework, the CIL Regulations 2011, and the County Council's Local Transport Plan 3.

In respect of the LCC Education request, based on the outcome of the viability report and its independent assessment, both of which conclude that a policy compliant scheme is not viable, the developer has confirmed it would be agreeable to a contribution in respect of the request for £540,113.05 made in January 2015. LCC has been advised of this and comments on their position in respect of this have been requested. No comments have been received at the time of writing this report.

With regard to Leisure facilities no detailed analysis has been provided demonstrating either the likely extent of the impact of the proposed development on the facilities for which the contribution is sought. This would need to have regard to factors such as proportion of residents likely to use the various leisure centre facilities, accessibility / distance of the site from the facilities, and the availability (or otherwise) of other publicly or privately provided services), or the ability (or otherwise) for existing facilities to accommodate some or all of the additional users anticipated. Once this had been provided, it would, officers consider, be necessary to demonstrate what the contribution sought would be proposed to be spent on, how those works would mitigate any identified shortfalls arising from the proposed residential development, and what they would be expected to cost. In the absence of this information, it is not considered that a contribution could be reasonably required. As such, the requested contribution is not considered to be CIL compliant.

Leicestershire Police have requested a financial contribution of £67,239.00 as set out above. Whilst it is considered that, in principle, contributions towards policing may be capable of being justified in terms of satisfying the relevant NPPF and CIL Regulations tests the policing contribution requests appear to be based upon an assumption that all residents of the proposed dwellings would be "new" / additional residents requiring policing by Leicestershire Police from outside of the area (or, at least, from outside of the District).

In the circumstances, officers are concerned the scale and kind of contributions sought may not be fairly and reasonably related to this development. Specifically, it is considered:

Start up equipment / training:

It is accepted that, in principle, such a contribution could be reasonable. However, as set out above, the Local Planning Authority would need to be satisfied that the rationale behind the extent of impact likely was robust.

Vehicles:

It is accepted that, in principle, such a contribution could be reasonable.

Additional radio call capacity:

The process of improving radio cover / capacity is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Police National Database:

The process of improving capacity of the Police National Database is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Additional call handling:

For the reasons already set out, it is not clear as to how the level of the additional calls anticipated has been calculated.

ANPR:

It is not accepted that the proposed development would justify the installation of ANPR CCTV systems (and that, in the development's absence, ANPR would not be required). If there is a need to provide ANPR coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of 188 dwellings to the village would suggest that such a system would be required when, in the absence of the development, it was not.

Mobile CCTV:

It is not accepted that the proposed development would justify the installation of mobile CCTV systems (and that, in the development's absence, mobile CCTV would not be required). If there is a need to provide mobile CCTV coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of 188 dwellings to the village would suggest that such a system would be required when, in the absence of the development, it was not.

Additional premises:

The contribution request from Leicestershire Police provides that, within North West Leicestershire, policing is delivered from Coalville LPU premises, and that occupation of premises is maintained at capacity. Contributions are sought for Coalville LPU, plus the Basic Command Unit (BCU) at Loughborough and the Force HQ at Enderby. Insofar as Coalville LPU is concerned, Leicestershire Police advises that occupation is maximised but constrained by its age and condition. Replacement to existing needs is, Leicestershire Police advises, likely although it is suggested that the proposed development would create a need for additional floorspace. The District Council is also advised that a replacement facility at Loughborough is "in build" and that this would need to be extended to accommodate staff to cover the proposed development; extension of the Force HQ would also, Leicestershire Police suggests, be required to serve the proposed development. Whilst Leicestershire Police maintains that additional floorspace is required at all three locations to serve the proposed residential development, for the reasons already set out, Local Planning Authority officers do not at this time accept the suggested level of additional demand on police services and, hence, the extent of additional employee cover required. It would also appear unlikely that a development of this scale would result in such a level of increased employment so as to necessitate extensions to accommodation at all three sites, notwithstanding that Leicestershire Police confirms that all facilities are maintained at capacity. It is not considered that the force has demonstrated that there is definitely no capacity to accommodate additional staff, nor that its various sites would actually be extended to meet any additional accommodation requirement directly attributable to the development in hand.

Hub equipment:

No information has been submitted which indicates that the existing hub and equipment would, as a result of the development, be over-capacity, and no information has been provided as to where such a facility would be located.

On this basis, therefore, officers are of the view that Leicestershire Police has failed to demonstrate that the relevant NPPF and CIL tests would be met by the contribution sought.

For their part, the developer has indicated that it would be agreeable to a contribution of £12,859 which would meet the individual requests for Start up equipment, vehicles and additional call handling.

In respect of the requests received in respect of this application, it is considered that the following meet the tests, and the applicant has confirmed that they would be willing to enter into an agreement to secure the following contributions:-

- Affordable Housing (9 units)
- Leicestershire Police (£12,859)
- Open Space (on-site)
- Children's Play Area (off-site contribution)
- Education (£540,113.05 as per January 2015 request)
- Civic Amenity Site (£8,029)
- Transport (Travel Packs, Bus Stops, Bus Stop Improvements, Information Display Cases) and separate S278 works

Conclusions

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. The proposal also involves the consolidation of the existing commercial business on the site through demolition and redevelopment to ensure that the business is fit for the 21st century. Based on the above, the proposed scheme is considered to comply with the core principles of the NPPF and is, therefore, acceptable in principle.

At a more detailed level, the proposed development would be acceptable in terms of density, layout and scale, residential amenities, highway safety, flood risk and drainage, archaeological, arboricultural and ecological impacts.

A viability report submitted by the applicant and agent has been assessed independently on behalf the District Council and concludes that a policy compliant scheme, for any contributions including affordable housing, is not viable. However, the agent has confirmed that appropriate contributions to infrastructure, and a 5 percent on site affordable housing element, would also be made so as to mitigate the impacts of the proposals on local facilities/services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Whilst a policy compliant scheme in terms of developer contributions is not viable at the site, the benefits of the proposal also have to be taken into consideration. The development proposal would provide a modern commercial building for Slack and Parr that would ensure the safeguarding of the business and future local employment; provide a range of housing contributing towards the District Council's housing supply, including an affordable housing element; provide on site open space and landscaping opportunities including biodiversity improvements; and provide developer contributions for education, highways, the nearest civic amenity site, an existing children's play area, and Leicestershire Police.

On balance, therefore, it is recommended that planning permission be granted, subject to conditions and the signing of the S106 Agreement.

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

- 1 The development shall be begun before the expiration of three years from the date of

this permission.

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

2 Plans to be confirmed on the update sheet.

Reason- To determine the scope of this permission.

3 No development shall commence on site until a development masterplan for the whole site setting out the proposed phasing of development has been submitted to and agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - For the avoidance of doubt and in the interests of good planning.

4 No building shall be erected on site above damp proof course level on any individual phase of the development until details/samples (as appropriate) of the:-

- a) doors and windows including porches and door surrounds, as well as doors to proposed garages)
- b) eaves and verges
- c) rain water goods
- d) windows and doors (including heads and cills)
- e) chimneys
- f) colour finish of utility boxes

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details.

Reason - To ensure that the works are executed in an appropriate manner and that the development provides for a satisfactory form of design.

5 Prior to first occupation of any dwelling on the overall site and/or the bringing into use of the industrial unit hereby permitted, whichever is first, a lighting scheme for all communal open space and parking areas shall be submitted and agreed to in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, prior to the first occupation of any dwelling and/or the bringing into use of the industrial unit, whichever is first.

Reason- To ensure that the development provides for a satisfactory form of design, in the interests of safeguarding against actual and fear of crime and anti-social behaviour, to protect residential amenities, and in the interests of biodiversity.

6 Notwithstanding the submitted plans, no building shall be erected on site above damp proof course level on any individual development phase of the site until a detailed scheme for the boundary treatment of the overall site, or any individual phase, including the precise details of the treatment of the demarcation of all public realm facing boundaries have been submitted to and agreed in writing by the LPA. The development shall be carried out in accordance with the agreed details. The development hereby

permitted shall not be occupied until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority). Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason: To preserve the amenities of the locality, in the interests of highway safety, to ensure that there is a clear and robust demarcation between public and private spaces and to ensure an appropriate form of design.

- 7 No building shall be erected on site above damp proof course level on any individual phase of the development until a detailed landscaping scheme, including the retention of existing trees and hedgerows and mitigation planting for the loss of trees, for that particular phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the first dwelling hereby approved, or bringing into use of the industrial unit hereby approved, whichever is first, unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority. All landscape planting in the informal/natural open space and adjacent to site boundaries shall be of native species only.

Reason- To ensure satisfactory landscaping is provided within a reasonable period and a reasonable period for the replacement of any trees and shrubs.

- 8 No development shall commence on site until such time the existing trees/hedgerows on and overhanging the site which are to be retained have been securely fenced off with protective fencing in accordance with BS: 5837: 2012 (Trees in Relation to Design, Demolition and Construction). Details of the extent and construction of the protective fencing shall have been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall remain in place until all construction works are complete. No development shall commence on site until such time as a design and method statement for all works taking place within the areas bounded by the protective fencing, including details of changes to ground levels and arboricultural surface requirements, has been submitted to and agreed in writing by the Local Planning Authority. All works within these areas shall be carried out in accordance with the agreed design and method statement.

Reason- To ensure the existing trees/hedgerows for retention are adequately protected during construction in the interests of the visual amenities of the area.

- 9 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until such time as a detailed scheme for all surfacing of the access, driveways, parking areas and footpaths has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason- To preserve the amenities of the locality.

- 10 No building shall be erected on site above damp proof course level until a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The scheme shall be implemented in accordance with the approved details.

Reason- To ensure that the development provides for a satisfactory form of design, in the interests of amenity.

- 11 No development shall commence until precise details of the finished ground levels on the site and the finished floor levels of the buildings in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason- To ensure the development takes the form envisaged by the Local Planning Authority.

- 12 No development shall take place/commence until an appropriate programme of archaeological work, informed by the results of exploratory 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 an 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; and,
- 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 heritage asset.

- 13 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 12.

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

- 14 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 12 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 heritage asset.

- 15 No development shall commence on site until a Biodiversity Management Scheme has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of all measures to ensure the protection of species and habitats during site clearance and construction phases, along with detailed proposals for the retention and enhancement of existing habitats and the creation of new habitats including SUDS, and features to mitigate for biodiversity impacts. The scheme shall also include details of the proposed long term monitoring and management of all existing and new habitats and features, including any necessary restoration or replacement where habitats and features are not established successfully, or are damaged or lost. The development shall be carried out in accordance with the agreed details.

Reason- In the interests of nature conservation.

- 16 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority, once they are satisfied that breeding birds will not be adversely affected.

Reason - In the interests of breeding birds, it is imperative that any vegetation removal is undertaken outside the breeding bird season.

- 17 No development shall commence on any individual phase of the development until such time as an updated badger survey has been submitted to and agreed in writing by the Local Planning Authority.

Reason- In the interests of protected species.

- 18 No development shall take place until details of the provisions to be made for artificial bat roosting sites/boxes have been submitted, and approved by the Local Planning Authority. The approved works shall be implemented in full, within each development phase, within three calendar months following occupation of the last dwelling within each phase of development, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of protected species.

- 19 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision D and the following mitigation measures detailed within the FRA:

1. Confirmation of the opening up of any culverts across the site.
2. Finished floor levels are set no lower than 32.2 m above Ordnance Datum (AOD).

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

Reason - To reduce the risk of flooding from blockages to the existing culvert (s); to reduce the

risk of flooding to the proposed development and future occupants.

- 20 The development hereby permitted shall not be commenced until such time as a detailed scheme to provide the necessary floodplain compensation, including flood flow routing, 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 reduce the risk of flooding to third parties, and the proposed development and future users.

- 21 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason- To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity.

- 22 No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

all previous uses;
potential contaminants associated with those uses;
a conceptual model of the site indicating sources, pathways and receptors;
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason - To ensure the protection of controlled waters.

- 23 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason - To ensure that the agreed remediation strategy is adhered to in order that controlled waters are protected.

- 24 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To ensure that any residual contamination is not mobilised within the underlying aquifer or any other controlled water receptor.

- 25 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason - To ensure that any residual contamination remaining on site is not mobilised within the aquifer. A piling risk assessment should be undertaken in order to assess the most suitable method of piling for this development, based on the environmental constraints of the site.

- 26 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

As part of the above, Severn Trent Water Limited should be consulted and required to demonstrate that there is sufficient capacity in the sewerage network and/or at the sewage treatment works to take the additional flows from the proposed development without causing pollution and/or a deterioration in final effluent quality.

Reason - The Humber river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of the River Soar water

body because it would result in the release of priority hazardous substances, i.e. ammonia.

- 27 The development hereby permitted 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.

Reasons - To prevent or minimise the risk of pollution of the Kegworth Brook and the River Soar.

- 28 No phase of development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment, relevant to that phase of development, as recommended by GRM report reference P6168 dated December 2013 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:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485:2007 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.

- 29 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;
- 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.

- 30 Prior to occupation of the first dwelling Footpath L59 shall be provided within the site along its formal route and the sections of Footpath L59 t within the boundaries of the application site should comprise a minimum surfaced width of 2.0 metres, together with grass borders of at least one metre along either side.

Reason - For the avoidance of doubt.

- 31 Development shall not begin until details of design for off-site highway works being widening, traffic calming and changes to the speed limit on Long Lane in general accordance with Stephen Daykin Consulting plan no. E593/10 rev. B have been approved in writing by the local planning authority; and no dwelling shall be occupied or use of the commercial site permitted until that scheme has been constructed in accordance with the approved details.

Note: The existing construction of Long Lane is unlikely to be sufficient for the additional development traffic, so complete reconstruction and resurfacing of the road up to the commercial access is required.

Reason - To ensure a safe and durable access to the site

- 32 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.

- 33 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason- To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 34 The existing vehicular access to the site on Sideley that becomes redundant as a result of this proposal shall be reinstated as footway in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.

Reason- To protect footway users in the interests of pedestrian safety.

- 35 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.

- 36 Before the development commences, details of the routing of construction traffic shall be 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.

- 37 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 38 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10m metres behind the highway boundary and shall be so maintained at all times.

Reason- To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 39 No part of the development as approved shall be brought into use until details of an updated Travel Plan has been submitted to and agreed in writing by the Local Planning Authority.

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.

- 40 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 51 metres shall be provided at the junction of the access with Sideley and 2.4 metres by 43 metres with the junction of the access to Long Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason - To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

Notes to applicant

- 1 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 2015.
- 2 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The developers attention is drawn to the existing hedgerows along the northern and western boundaries of the application site which should be maintained regularly, in order to prevent Footpath L59 from being encroached upon by overhanging vegetation and the width available to pedestrians consequently being reduced. For the same reasons, any new trees or shrubs which are proposed to be planted adjacent to either of the footpaths should be set back by a minimum of 1 metre from the edge of the route and be of species which do not spread.

The green fingerpost currently located where Footpath L59 leaves Long Lane, together with the yellow-topped waymark posts located along those sections of Footpath L59 within the application site should be retained. If any item of this furniture is removed or damaged during works associated with the proposed development, the Highway Authority will require it to be replaced at the applicant Company's expense.

Before any works associated with the surfacing of the footpath or the replacement of any of the above items of furniture are carried out, the applicant Company should notify the Rights of Way Inspector for the area, Mr. S. Daniels, who may be contacted either by e-mailing highwayscustomerservices@leics.gov.uk or by telephoning 0116 305 0001. The Company will otherwise be responsible for ensuring that the legal line of Footpath L59 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction

works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractors' vehicles are parked either along or across it.

Any damage that may be caused to the surface of Footpath L59 which is directly attributable to works associated with the development, will be the responsibility of the applicant Company to repair at its own expense to the satisfaction of the Highway Authority.

The applicant Company should also be advised that no additional structures including stiles, gates and other barriers either of a temporary or a permanent nature, should be placed across the route of Footpath L59 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

- 4 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

- 5 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

- 6 It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

- 7 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

The developer 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. 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.

Details of the future maintenance of the private road should be submitted for the approval of the LPA before any dwelling is occupied.

If it is the developer's intention to seek either; the adoption of roads which incorporate nonstandard features/materials, or the adoption of additional areas beyond that which would normally be considered necessary for the safe functioning of the highway, then commuted sums for future maintenance will be payable. The Applicant should refer to the 6C's Design Guide available at www.leics.gov.uk/index/6csdg.htm for more information.

The Applicant shall be advised that a minimum of 6 months notice is required by Leicestershire County Council for the making of a Traffic Regulation Order. This is to allow all statutory processes to be completed. Further information can be found in the 6C's Design Guide available at: <http://www.leics.gov.uk/index/6csdg.htm> or by contacting the Network Management Team via 0116 305 0001.