

Residential development of up to 91 dwellings and associated infrastructure (outline access only)

Report Item No  
A1

Land North Of Butt Lane And East Of Hepworth Road  
Woodville/Blackfordby Swadlincote DE11 7BY

Application Reference  
15/00306/OUTM

Applicant:  
Mr Tom Dickens

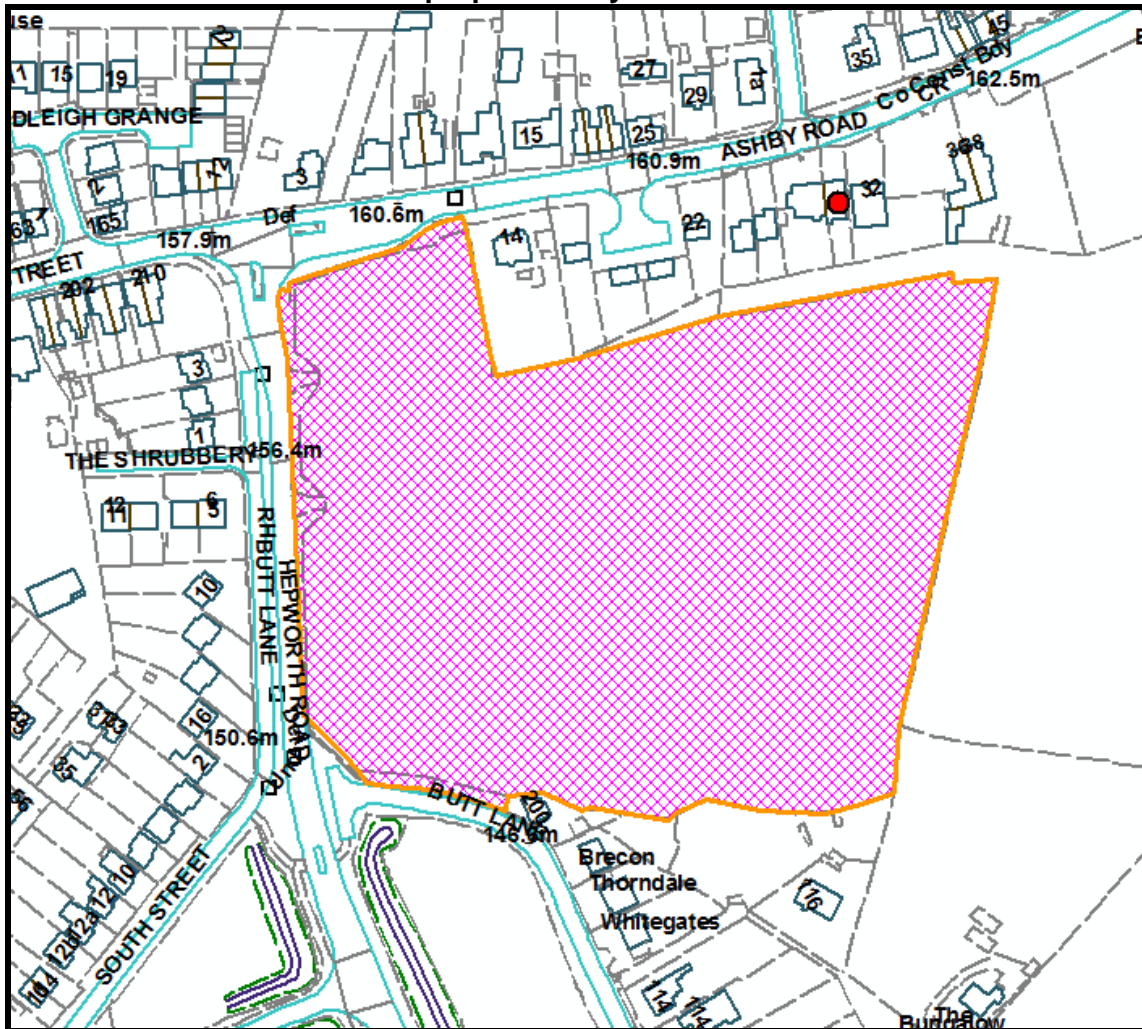
Date Registered  
18 May 2015

Case Officer:  
Ebony Mattley

Target Decision Date  
17 August 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 Reasons for Approval**

### **Reason for Call In**

The application 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 outline planning permission for up to ninety-one dwellings, at land to the north of Butt Lane and east of Hepworth Road, Blackfordby.

The application is in outline at this stage with details of means of access only included for consideration. The vehicular access into the site would be off Butt Lane.

Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

### **Consultations**

Members will see from the main report below that there are 54 objections to the scheme, and an objection from Ashby Town Council, Woodville Parish Council and concerns raised by South Derbyshire District Council. There are no other objections raised from statutory consultees.

### **Planning Policy**

The application site is located outside 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 proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

Paragraph 14 of the NPPF requires an assessment to be undertaken to establish whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

When having regard the sustainability credentials of the settlement of Woodville, in addition to Blackfordby, combined with the fact that the site is well related to Woodville and is adjoined by existing built development and the Limits to Development, it is considered that a strong case has been made concerning the sustainability of the site.

The proposed development would be acceptable in terms of density, design, impact upon the heritage assets, trees, residential amenities, highway safety, coal mining and land contamination, flood risk and drainage, ecological impacts and impact on the River Mease

SAC/SSSI and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services. 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, APPROVE SUBJECT TO SECTION 106 OBLIGATIONS AND THE IMPOSITION OF CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

Outline planning permission is sought for the erection of up to 91 residential units. The application is in outline at this stage with details of means of access included for consideration. Vehicular access into the site would be off Butt Lane, to the south of the site.

Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

The site area is 3.4 hectares and is currently in agricultural use. Public Footpath P12 runs along the southern periphery of the site.

Whilst the site falls within North West Leicestershire District Council's boundary, the site abuts the border of Woodville, which falls within South Derbyshire District Council.

To the south, the site borders residential properties on the east side of Butt Lane, Blackfordby and borders No's 14-38 Ashby Road, Boundary to the north. The site immediately bounds Hepworth Road to the west, which abuts residential properties on Butt Lane, which are located within Woodville.

The site is located outside Limits to Development, as identified in the North West Leicestershire Local Plan 2002.

The application is accompanied by:-

- o Amphibian Survey
- o Arboricultural Report
- o Design and Access Statement
- o Ecological Appraisal
- o Flood Risk Assessment and Drainage Strategy
- o Geotechnical and Geo-environmental Desk Study
- o Noise Assessment
- o Planning Statement
- o Precautionary Method of Works: Great Crested Newts and Reptiles
- o Statement of Community Engagement
- o Transport Assessment
- o Travel Plan

### Planning History:-

No relevant planning history.

### 2. Publicity

70 No neighbours have been notified (date of last notification 19 May 2015)

Site Notice displayed 4 June 2015

Press Notice published 27 May 2015

### 3. Consultations

NWLDC Footpaths Officer  
Ashby de la Zouch Town Council  
County Highway Authority  
Environment Agency  
Severn Trent Water Limited  
Head of Environmental Protection  
Natural England  
NWLDC Tree Officer  
County Archaeologist  
LCC ecology  
Airport Safeguarding  
NWLDC Conservation Officer  
NWLDC Urban Designer  
National Forest Company  
LCC Fire and Rescue  
English Heritage- major dev in CA  
County Planning Authority  
LCC Development Contributions  
NHS Leicester, Leicestershire And Rutland Facilities Management  
Development Plans  
Head Of Leisure And Culture  
Manager Of Housing North West Leicestershire District Council  
LCC/Footpaths  
LCC Flood Management  
Coal Authority  
South Derbyshire District Council  
Derbyshire County Council

### 4. Summary of Representations Received

#### Statutory consultees:

**Ashby de la Zouch Town Council** raise objections on the following grounds:-

- o Greenfield site, outside village limits and would remove the area of separation between Blackfordby and Woodville;
- o Serious traffic problems in the village which would be exacerbated;
- o Vehicular access from Butt Lane is inappropriate and Hepworth Road would be the preferred route;
- o The site is not sustainable, relying on the use of Woodville services; and
- o Concerns about sewers coping with the additional discharge and exacerbating flooding which already occurs in Blackfordby.

**South Derbyshire District Council** raise the following concerns:-

- o The local doctor's surgery may be subject to undue impact without any necessary funding for mitigation and there has been no approach to Southern Derbyshire CCG;
- o The local highway network may also be subject to impact affecting highway safety and are not aware of any approach to Derbyshire Highway Authority to seek its comments in

- o this regard; and
- o There may be impact upon the local sport and recreation facilities with no offer of mitigation.

**Woodville Parish Council** object to the application.

**County Highways Authority** has no objections subject to conditions and subject to securing developer contributions through a legal agreement.

**Environment Agency** does not consider the proposal to be high risk and does not wish to provide detailed site-specific comments.

**Severn Trent Water Ltd** raises no objection subject to a drainage condition.

**Coal Authority** raises no objection subject to a condition.

**Natural England** raises no objections subject to the development according with the requirements of the River Mease Developer Contribution Scheme.

**Historic England** do not consider it necessary to be consulted on this application.

**National Forest Company** advises that 20 percent of the site area should be woodland planting and landscaping.

**East Midlands Airport** raises no objection.

**Lead Local Flood Authority** raises no objection subject to conditions.

**Leicestershire County Council - Ecology** raises no objections subject to conditions.

**Leicestershire County - Archaeology** raises no objections subject to conditions.

**Leicestershire County Council - Footpaths** requests notes to the application in respect of Public Footpath P12.

**NWDLC Head of Housing** advises that the rural housing needs survey for Blackfordby identified a need for affordable homes. In line with the Council's Supplementary Planning Document, 30% affordable housing should be secured.

**NWLDC Urban Designer** is not satisfied that the indicative layout scheme is acceptable and proposes a condition for a scheme to produce a Building for Life based design code.

**NWLDC Conservation Officer** raises no objections.

**NWLDC Tree Officer** raises no objections subject to conditions.

**NWLDC Head of Environmental Protection** raises no objection, subject to a noise condition.

**NWLDC Street Action Team** raises no objection, subject to a contaminated land condition.

No comments have been received from:-

Derbyshire County Council

54 letters of objection have been received raising the following concerns:-

- a) Greenfield and not a brownfield site;
- b) High agricultural quality land;
- c) The Council have a 5 year supply;
- d) Loss of green wedge and green belt;
- e) Merging and coalescence of the two settlements;
- f) Contrary to local plan policies and NPPF;
- g) Other suitable brownfield sites;
- h) Increase in size of village by 25%;
- i) Not sustainable village;
- j) Existing inadequate infrastructure/services/amenities;
- k) Loss of view;
- l) Density is too high;
- m) Layout concerns;
- n) Planting is vague and non-specific;
- o) Impact upon amenities of existing local residents;
- p) Pollution from noise and traffic;
- q) Highway safety;
- r) Exacerbate congestion;
- s) Lack of footpath;
- t) No school parking;
- u) Impact upon wildlife;
- v) Drainage issues and floodrisk;
- w) A full Environmental Impact Assessment is required;
- x) Set a precedent for future developments;
- y) Similar developments have been rejected;
- z) Inadequate documents submitted and profound statements given; and
- aa) De-valuation of property prices

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

## **5. Relevant Planning Policy**

The Planning (Listed Buildings and Conservation Area) Act 1990

### **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)  
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 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 129 (Conserving and enhancing the historic environment)  
Paragraph 131 (Conserving and enhancing the historic environment)  
Paragraph 134 (Conserving and enhancing the natural environment)  
Paragraph 143 (Facilitating the sustainable use of minerals)  
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 S3 - Countryside  
Policy E2 - Landscaped Amenity Open Space  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E7 - Landscaping  
Policy E8 - Crime Prevention  
Policy E30 - Floodplains  
Policy F1 - National Forest General Policy  
Policy F2 - Tree Planting  
Policy F3 - Landscaping and Planting  
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.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

River Mease Water Quality Management Plan - August 2011.

River Mease Development Contributions Scheme - November 2012.

### **North West Leicestershire District Council Affordable Housing Supplementary Planning Document (SPD)**

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Blackfordby.

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

### **North West Leicestershire District Council Play Area Design Guidance Supplementary Planning 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.

### **Blackfordby Conservation Area Appraisal and Study Supplementary Planning Guidance (SPG)**

The SPG identifies individual factors considered to have a positive impact on the character of the Conservation Area. These factors include principal listed buildings and unlisted buildings of interest in the vicinity of the site.

### **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, including sustainability credentials of the site and cross boundary impacts, loss of agricultural land, access and highway safety, public footpaths, density and layout, impact upon residential amenity, impact upon heritage assets, protected species/ecology, archaeology, trees, coal mining and land contamination, drainage and flood risk, the impact upon the River Mease SAC/SSSI, developer contributions and other matters.

### **Principle of Development and Impact upon the Countryside**

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

The application site lies outside the Limits to Development of Blackfordby, as defined by the proposals map of the adopted Local Plan and therefore falls to be considered against Saved

Policy S3 of the Local Plan. In applying weight to any conflict with Policy S3 in the overall planning balance, it is important to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). It is therefore considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

Saved Policy H4/1 is also of relevance and identifies the criteria for in releasing "appropriate" land for housing.

Whilst the site falls within North West Leicestershire District Council's (NWLDC) boundary, the site abuts the border of Woodville, which falls with the jurisdiction of South Derbyshire District Council (SDDC). It is considered that the application site would relate reasonably well to the boundaries of existing residential properties to the north of No's 14-38 Ashby Road, Boundary (NWLDC) and to the south with a linear row of residential properties to the east of Butt Lane, Blackfordby (NWLDC). The site immediately bounds Hepworth Road to the west, which abuts residential properties on Butt Lane, Woodville (SDDC).

In terms of the concerns raised about the impact upon the countryside, the application site abuts the settlement boundary of Boundary to the north - with Ashby Road, the settlement boundary of Blackfordby to the south and the settlement boundary of Woodville to the north and west. As such it is considered that the development on this site would be viewed against this backdrop of existing, adjacent built development and therefore, would not appear an isolated development in the countryside. Therefore having regard to all of the above considerations (existing landscaping and the scope for mitigation in the detailed layout, design and landscaping of the scheme), whilst there would be moderate and localised harm to the countryside it is considered that it would be limited and not be so significantly detrimental to justify a reason for refusal based on the proposal resulting in an adverse impact on the character of this locality and the countryside.

In respect of the concerns raised about the merging of the settlements, it is acknowledged that the site would adjoin the settlement boundary of Woodville to the north, whilst adjoining the most northerly point of the settlement boundary of Blackfordby to the south. However, it is considered that a suitably designed scheme could be provided at the reserved matters stage(s) which proposes a layout with a landscaping buffer (and not built - residential development) to the south of the site, as presented in the illustrative layout, which would result in both a physical and visual separation.

As the Authority is able to demonstrate a five year supply of housing, including an additional 20% buffer, Saved Policies S3 and H4/1 are considered to be relevant in determining this application, in the context of Paragraph 49 of the NPPF (subject to the weight to be attached to Policy S3 as a material consideration being adjusted having regard to the plan period issue as set out above).

Insofar as the site's location is concerned, whilst the site it is located outside of Limits to Development, the site is well related to existing settlement boundaries and bounded by existing development, as set out above and is not therefore considered to be an isolated development in the countryside.

## Sustainability credentials of the site

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable.

Consideration should also be given to the appeal decision at land South of Moira Road, Ashby. In terms of the distance to amenities, the inspector referred to DoT statistics which show that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1km, cycling about 4.5km and by bus about 8km.

### *Services within South Derbyshire*

The following services are available in Woodville off the A511, measured from the proposed pedestrian connection to the north east of the site:-

- o Shop - 230 metres
- o Convenience Store (Tesco) 615 metres
- o Post Office - 615 metres
- o Pharmacy - 615 metres;
- o Doctors - 920 metres
- o Primary School (Woodville Infant and Woodville C of E Junior School) - 570 metres
- o Secondary School - 1,735 metres

The County Highway Authority (CHA) have also commented upon transport sustainability within this application, stating that the site is within a reasonable walking and cycling distance of many facilities within Woodville and Swadlincote, including an hourly bus service along the A511 within 400 metres of the site and can therefore be considered a sustainable location in transport terms.

The CHA have also confirmed that whilst the westerly bound bus stop to the east of the site does not have a continuous footway linking it to the site, the next bus stop to the west of the site is a similar walking distance and does benefit from a continuous footway.

### *Services within North West Leicestershire*

The now withdrawn submission version North West Leicestershire Local Plan: Core Strategy did identify Blackfordby as a "sustainable village".

Below are the approximate distances to services within Blackfordby, measured from the access point at Butt Lane:-

- o Recreation Ground - 870 metres
- o Primary School - 1,250 metres
- o Village Hall - 1,280 metres
- o Public Houses - 1,280 - 1,450 metres
- o Chapel 1,320 metres
- o Bus Service - (nearest stop opposite 23 Main Street) - 1,150 metres

Bus Service 9/9A provides an hourly service between Coalville and Burton on Trent calling at Swannington, Ashby de la Zouch, Blackfordby, Moira, Swadlincote and Brizlincote. This service

runs Monday to Friday between the hours of 0659 and 1939 hrs and on Saturdays between the hours of 0719 and 1939 hrs. A slightly reduced hourly bus service 9E runs on Sundays (this does not stop at Moira) between the hours of 0935 and 1935.

### *Summary*

Having regard to the location of the site, it is considered that residents of the site would have easy access to services and facilities in Woodville by walking, with some reasonable access to facilities in Blackfordby by walking and cycling and reasonable access to facilities that neighbouring settlements (Swadlincote and Norris Hill) have to offer by cycling or using public transport.

Whilst the services available within Blackfordby are more limited, the site is well related to Woodville and it is considered that cumulatively, with the services within Woodville and Blackfordby, overall there would be a good range of services and facilities, for the occupiers of the proposed dwellings.

### **Cross Boundary Impacts**

South Derbyshire District Council (SDDC) have raised concerns regarding the potential impacts upon the local doctor's surgery, highway network and local sport and recreation facilities, in South Derbyshire, without appropriate mitigation.

NHS England originally confirmed that the proposal would trigger the need to provide health funding of £551 per dwelling. Officers have liaised with NHS England to seek clarification as to where the money would be provided, which specific project and whether this should be within South Derbyshire, North West Leicestershire, or both. NHS England have subsequently contacted Southern Derbyshire CCG who have confirmed that they are unable to give a definitive answer where the contribution would be spent and would rather have a strategic, robust view and model that can be applied to all developments. Accordingly as there are no specific requests for either a project or scheme towards a specific surgery or practice, there is insufficient information to satisfy that the request would be directly related to the proposed development and would therefore fall foul of satisfying the relevant legal tests. Therefore neither a contribution to be used in North West Leicestershire or South Derbyshire can be sought in this case.

In response to the comments raised by SDDC in respect of the local highway network and leisure and recreation facilities, there has been no response or request from Derbyshire County Council, during the course of the application, despite Officers requesting responses on 25 June 2015 and 31 July 2015 (in addition to the initial consultation). As such it is not possible to suggest appropriate mitigation, in the absence of any evidence or requests from Derbyshire County Council.

Consideration has also been given to the potential impacts upon Derbyshire County Council's schools, given the proximity of the site to schools within South Derbyshire and officers have undertaken discussions with the Education contacts at both Leicestershire and Derbyshire County Councils. Leicestershire County Council have confirmed that they are un-able to take into account any primary or secondary schools, within any other County (even though they may be closer) as they have no information on the capacity, number on roll, forecasts, admission arrangement or housing developments in other Counties and have no jurisdiction over the allocation of places at schools in other Counties. For the avoidance of doubt, Derbyshire do not include places in Leicestershire schools for the same reasons. The County Councils have also

confirmed that any parent has the right to request a place at any school which maybe in another Authority or in a different catchment, however, that preference can only be agreed if spaces are available. As such financial contributions have only been sought by Leicestershire County Council for the schools that fall within Leicestershire and in this case the District of North West Leicestershire.

The County Highway Authority (CHA) have confirmed that the closest primary school in the catchment area is St. Margaret's C of E Primary School, in Blackfordby, which is about 1 mile from the site, and the closest Secondary school in the catchment is 2.8 - 3 miles away. The CHA have confirmed that all schools are within a walking distance and that there exist safe walking routes from the site to both schools. The CHA does however, confirm to encourage walking trips the existing footway along Butt Lane should be widening to a minimum of 1.2 metres, where possible.

*Summary: Principle of Development*

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

- o Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by coordinating development requirements, including the provision of infrastructure. It is considered that the development would benefit the local economy through both the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and maintenance of local infrastructure. Accordingly the site is considered to be consistent with the 'economic role'.
- o Social - in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The new population could support and help sustain the local services and facilities that meet local needs and contribute to the creation of sustainable communities. The development would provide both open market and affordable housing, appealing to a wider spectrum with the local market, thus increasing local market choice and appealing to groups whom may have otherwise been excluded from the locality. The proposal would include the provision of public open space and financial contributions will be secured towards the provision of local services and facilities. Accordingly the site is considered to be consistent with the 'social role'.
- o Environmental - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The site is located outside the limits to development, but is well related to the existing settlement of Woodville. Furthermore, as set out in this report, it is considered that the proposal would not be contrary to the aims of protecting or enhancing the natural and historic environment. Accordingly the site is considered to be consistent with the 'environmental role'.

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

Paragraph 14 of the NPPF requires an assessment to be undertaken to establish whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

When having regard to the sustainability credentials of the settlement of Woodville and Blackfordby, combined with the fact that the site is well related to existing built development and the Limits to Development of Woodville, it is considered that a strong case has been made concerning the sustainability of the site.

### **Loss of Agricultural Land**

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. The Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The applicant has confirmed that the land would be assigned to Class 3, however the information does not specify whether the land would fall within a 3a (BMV) or 3b (not BMV) classification.

Whilst, the NPPF does not suggest that the release of smaller BMV site is acceptable, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost and therefore given the relatively limited extent of the potential loss of the site, at 3.4 hectares, it is considered that the potential agricultural land quality issue is not sufficient to sustain a reason for refusal in this case.

### **Access and Highway Safety**

All matters are reserved for subsequent approval, except for access. The point of access proposed shows vehicular access from Butt Lane.

The County Highways Authority has been consulted on the application and although concern has been raised by local residents about traffic generation, point of access and highway safety matters, the County Highways Authority has raised no objections (subject to conditions) to the proposed development in respect of highway safety implications. The CHA have also confirmed that they are satisfied with the submitted Travel Plan.

The CHA confirms that to encourage walking trips the existing footway along Butt Lane should be widening to a minimum of 1.2 metres, where possible and have requested a series of developer contributions, which is discussed later in this report.

In these circumstances, subject to conditions and S106 contributions, which the applicant has agreed to, it is considered that the development would accord with Policy T3 of the Local Plan.

### **Public Footpaths**

Public Footpath P12 runs along the southern periphery of the site. The County Footpaths Officer (CFO) has confirmed that there is no objection to the application as it should not affect the public's use and enjoyment of the Right of Way, subject to adding a note to applicant to

make them aware of safety, security, obstructions, surfacing, planting and any proposed diversions or temporary closures.

Whilst layout is not for consideration at this time, from the illustrative layout provided the existing Public Footpath would not be obstructed by any proposed dwellings and it would appear that a diversion would not be required and it is considered acceptable in terms of its impact on the existing Public Footpath. Nevertheless, as layout is not for consideration, it is considered appropriate to impose a note to applicant to inform the applicant of the comments of the CFO for future consideration.

The CHA have also confirmed that in order to provide the most convenient pedestrian and cycle links, Public Footpath P12 should be improved to a 2 metre wide hard surface, the proposed footway link between Plot 5 and the Public Footpath should be to an adoptable standards and the link to Hepworth Road to the north of the site should be a shared cycleway/footway to a width of 3 metres. It is considered that conditions shall be imposed to this affect.

## **Density and Layout**

### *Density*

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances.

The application proposes up to 91 dwellings on a 3.4 hectare site equating to a net density of 26.7 dwellings per hectare (dph). Policy H6 requires a minimum of 40 dph in town centre locations and accessible locations and 30 dph in other locations. As the site is considered to be accessible by public transport and accessible to services and facilities, then in this case the 40 dph would be applicable.

This density at 26.7 dph is, however is considered appropriate having regard to the location of the site, which is currently countryside, and it is not considered that a higher density of development could be achieved on the site, without having detrimental impacts upon the proposal. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF and Policy H6 of the Local Plan.

### *Layout*

For the avoidance of doubt this application is in outline at this stage with details of means of access only included for consideration. Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

The Council's Urban Designer has raised concerns that the layout would fail to meet the Building for Life criteria, however when having regard to the outline nature of the scheme and the fact that it is not seeking consent for layout and appearance, it is not necessary to seek the submission of amended plans as these matters could be dealt with by appropriately worded condition which requires a Design Code to be agreed based on Building for Life 12.

Subject to these requirements, it is considered that an acceptable design solution for the development of the site could be achieved and therefore, the proposal is considered acceptable for the purposes of Policy E4 and H7 of the Local Plan and the design provisions of the NPPF.

### **Impact upon Residential Amenity**

The impacts upon the occupiers of existing neighbouring dwellings and proposed dwellings would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 91 units could not be provided on the site in a manner which would not adversely impact upon neighbouring residential amenities, in terms of loss of privacy, loss of light or overbearing impact.

It is, therefore, considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

### **Impact upon Historic Assets**

The proposed development must be considered against sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess" and that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight has been given to preserving the setting of Listed Buildings.

The Blackfordby Conservation Area lies approximately 570 metres to the south east of the site, at its closest point and there is a distance of approximately 660 metres to the closest Listed Building (42 Butt Lane).

The scheme has been considered by the Council's Conservation Officer who raises no objection.

When having regard to the distances involved, the relationship between the site and the Conservation Area and the intervening land uses/development, it is not considered that the development of the site for housing would adversely affect the setting of the Blackfordby Conservation Area nor is it considered that the site part of the setting of the Listed Building and would therefore be unlikely to be adversely affected by the proposed development.

### **Protected Species/Ecology**

The application submission has been accompanied by an Ecological Appraisal, Amphibian Survey and Precautionary Method of Works Report which has been considered by the County



Ecologist who has confirmed that the land is currently arable, of minor wildlife value. The County Ecologist has stated that Great Crested Newts (GCNs) are known to be close by, but accepts the proposal for precautionary working methods to minimise risks to GCNs and does not require any further mitigation in this respect.

The County Ecologist raises no objection to the scheme, subject to the imposition of planning conditions.

### **Archaeology**

The County Archaeologist advises that the site is of archaeological interest and it is recommended that conditions are imposed for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.

Accordingly, subject to the imposition of conditions to secure an appropriate programme of archaeological investigation and recording, it is considered that the proposal would comply with the provisions of the NPPF.

### **Impact upon Trees**

An Arboricultural Report accompanies this application submission. The Council's Tree Officer has been consulted on the application and considers that there should be no significant impact on trees, if the Arboricultural Report is followed. The Council's Tree Officer states that the root protection area radii have not been specified, the root protection areas are vague, the use of fastigiated tree varieties should be specified in front gardens and a focal tree should be shown at the junction in front of plot 22. As neither layout nor landscaping are for consideration at this stage, it is not possible to state whether a plot would be positioned within a root protection area or where proposed planting will be undertaken, as this will be determined at the reserved matter stage(s).

### **Coal Mining and Land Contamination**

The site lies within the Coal Authority Referral Area and the Coal Authority has been consulted on the application and concurs with the recommendations of the Geotechnical and Geo-environmental Desk Study and requires further investigation and any necessary mitigation measures, to be undertaken prior to development commencing.

The Council's Environmental Protection Team have raised no objections to the development with regards to ground contamination or land instability, subject to conditions.

This application has been considered by the Council's Environmental Protection Team and the Coal Authority who raise no objections, subject to conditions.

Subject to the imposition of conditions, the proposed development is considered acceptable in terms of land contamination and coal mining.

### **Drainage and Flood Risk**

The application has been accompanied by a Flood Risk Assessment (FRA).

The Lead Local Flood Authority have confirmed that the scheme is acceptable subject to the imposition of conditions for a surface water drainage scheme and the scheme to be undertaken

in accordance with the specified discharge rate, contained within the FRA. Conditions to this affect are recommended to be imposed.

In respect of the protection of controlled water, the Environment Agency have not raised any formal observations as they do not consider the proposal to be high risk.

### **Impact on the River Mease Special Area of Conservation/SSSI**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

When having regard to the existing agricultural use of the site, the proposal for 91 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS. The contribution is provided later on in the report, under the heading "Developer Contributions".

The flows from the new dwellings will need to be taken into account against the existing headroom capacity (recently revised) at Packington Treatment Works, which serves Blackfordby. At the time of writing sufficient capacity exists for the 2420 dwellings.

Natural England has considered the scheme and raises no objections in relation to impact on the SAC/SSSI subject to conditions and provision of the developer contribution.

Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

### **Developer Contributions**

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

- o necessary to make the proposed development acceptable in planning terms;
- o directly related to the proposed development; and
- o 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.

### *Affordable Housing*

The Council's Strategic Housing Team have been consulted on the application and have

advised that there is a need for affordable housing and that the full 30% should be secured through the proposed development, in accordance with the Council's Affordable Housing SPD.

The Council's preferred position is to seek delivery on site through a Registered Provider. The Council's Strategic Housing Team have requested the split to be 79% rented and 21% intermediate housing, with the unit types to be 4 x 1 bed apartments/houses, 4 x 2 bed bungalows, 12 x 2 bed houses and 8 x 3 bed houses.

#### *Play Area/Open Space*

Under the Council's Play Area SPG, on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 91 dwellings are proposed, this would require a play area of not less than 1820 square metres. The indicative masterplan shows that provision is proposed to be made for open space within the site, including a naturalist play space and it is considered that whilst layout is not for consideration, a suitable sized children's equipped play area could be provided at the reserved matters stage(s). Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the SPG. In terms of the range of equipment necessary, for developments of this number of dwellings, the Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity.

#### *River Mease DCS*

A contribution under the River Mease DCS is required (as outlined earlier in the report) but an exact figure for the contribution cannot be determined at this stage (although the maximum amount would be £32,214 - assuming all properties were 4 beds and constructed to the lowest code or equivalent of 1/2) as the number of bedrooms in each dwelling would not be finalised until the reserved matters stage(s).

#### *Other Developer Contributions*

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

Leicestershire County Council (Libraries) request £2,670 towards additional resources at Ashby de-la Zouch Library.

Leicestershire County Council (Education) request a contribution of £249,723.57 for the primary school sector, for St. Margaret's C of E Primary School; a contribution of £153,735.06 for the high school sector, for Ivanhoe College and a contribution of £157,854.38 for the upper school sector, for Ashby School. At the request of officers, Leicestershire County Council have also provided additional information during the course of the application to demonstrate that the request is for either a new, discrete and separate project or that no more than five obligations (including this proposed) have been sought for the scheme project. It is therefore considered that no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

Leicestershire County Council (Highways) request:-

- o 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).
- o Six-month bus passes, two per dwelling (2 application forms to be included in Travel

- Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car
- o Improvements to the nearest bus stop, including raised and dropped kerbs to allow level access, to support modern bus fleets with low floor capabilities at £3263.00 per stop.
  - o A Bus shelters at the nearest bus stops (east bound stop to the east of the site) at £4908.00.

The National Forest Company require 20% of the site area to be for woodland planting and landscaping, which equates to a requirement of 0.68 hectares.

NHS England have confirmed that the proposal would trigger the need to provide health funding of £551 per dwelling, based upon a 2.3 person occupancy. Officers have sought additional information from NHS England, as to where the money would be provided and for which specific project. NHS England have confirmed that they are unable to give a definitive answer where the contribution would be spent and would rather have a strategic, robust view and model that can be applied to all developments. Accordingly as there is insufficient information to prove that the request would be directly related to the proposed development, it is not considered that the request would be able to satisfy the relevant legal tests and therefore the contribution cannot be sought.

Leicestershire County Council (Civic Amenity) have confirmed that they are not requesting a contribution.

No response has been received from Leicestershire Police.

On consideration of these requests received in respect of this application it is considered that the following meet the tests and should members be minded to approved this application a Section 106 Agreement would secure the following, which the applicant is agreeable to:-

- o Affordable Housing (30% on site)
- o Play and Open Space (on-site)
- o Education (£561,313.01)
- o Libraries (£2,670)
- o River Mease
- o National Forest (on site planting and/or contribution)
- o Transport (Travel Packs, Bus Passes, Bus Stop Improvements, and Bus Shelter).

### **Other Matters**

An outline application was refused in 1984 (ref: 84/0675/P) for residential development. The District Plan and approved Structure Plan have subsequently been replaced since 1984 and as such carry no weight in the determination of this application. Furthermore, the County Highway Authority have considered this scheme and do not consider that there is any reason to sustain a highway objection.

### Letters of Representation

In respect of other objections received which have not already been addressed within the report above:-

- o Layout and planting, this is not for consideration at this time.

- o A right to a view and de-valuation of property prices are not material planning considerations.
- o The proposal has been assessed in respect of the Environmental Impact Assessment (EIA) Regulations 2011. Whilst the proposal is classed as development under paragraph 10(b) of Schedule 2 to the Regulations it has been concluded that this proposal does not constitute EIA development under the 2011 Regulations as its impacts, are not considered to be significant and can be considered as part of the planning application.

### **Conclusion**

In conclusion, when having regard the sustainability credentials of the settlement of Woodville, in addition to Blackfordby, combined with the fact that the site is well related to Woodville and is adjoined by existing built development and the Limits to Development, it is considered that a strong case has been made concerning the sustainability of the site.

The proposed development would be acceptable in terms of density, design, impact upon the heritage assets, trees, residential amenities, highway safety, coal mining and land contamination, flood risk and drainage, ecological impacts and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services within North West Leicestershire. There are no other relevant material planning considerations that indicate planning permission should not be granted.

### **RECOMMENDATION - PERMIT, subject to section 106 obligations and the imposition of conditions:**

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

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

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

*Reason- this permission is in outline only.*

- 3 The reserved matter application(s) shall include precise details of finished ground levels across the site and the finished floor levels of all buildings in relation to an existing datum point.

*Reason - to ensure a satisfactory relationship with the adjacent dwellings/the streetscene, as insufficient details have been provided.*

- 4 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall

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

*Reason - To ensure that the development of the site takes place in a consistent and comprehensive manner.*

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

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

- 6 The first reserved matters application in respect of the matter of layout shall provide for:-
- a) The submission of a scheme of intrusive site investigations for the shallow coal workings and mine entries for approval and the undertaking of these intrusive site investigations
  - b) The submission of a report of findings from these intrusive site investigations
  - c) The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no build' zones, if required
  - d) The submission of a treatment for the mine entries on site for approval, if required
  - e) The submission of a scheme of remedial works for the shallow coal workings for approval.

The development shall thereafter be implemented in accordance with the approved details prior to the commencement of development.

*Reason - To ensure the stability of the development, having regard to the comments of the Coal Authority and good engineering practice.*

- 7 The proposed development shall be carried out strictly in accordance with the following drawings, unless otherwise required by a condition of this permission: Location Plan Drawing No. 40180/001 A received by the Authority on 18 May 2015.

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

- 8 A total of no more than 91 dwellings shall be erected.

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

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

- a. The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- b. The programme for post-investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

*Reason - To ensure satisfactory archaeological investigation and recording.*

- 10 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 9 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.*

- 11 The first reserved matters application in respect of the matter of landscaping shall provide for an biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

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

- 12 No development shall commence on site until details of the design:-
- a) for off-site highway works being widening of the existing footway on Butt Lane south of the site and north of the junction with Forest Road to 1.2m wide (where achievable)
  - b) of Public Footpath P12 west of the new access road showing a 2m wide tarmac surface (or similar hard bound materials)
  - c) of a shared cycleway/footway 3m wide to an adoptable standard, to connect the site to the existing shared cycleway/footway on the A511

have first been submitted to and approved in writing by the Local Planning Authority.

Schemes a) and b) shall be implemented in accordance with the approved details prior to the first occupation of any dwelling. Scheme c) shall be implemented in accordance with the approved details prior to the first occupation of the 26th dwelling.

*Reasons: To ensure a safe and convenient walking route is available to the primary school in Blackfordby and to bus stops and services in Woodville and Swadlincote and to ensure a safe and convenient walking and cycling route is available to bus stops and services in Woodville and Swadlincote.*

- 13 Notwithstanding the submitted details, no development shall commence until details of a revised vehicle access road (by moving it 1m to 2 m to the west), has first been submitted to and approved in writing by the Local Planning Authority. The access shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.

*Reason: To ensure adequate inter-visibility between pedestrians crossing the access road and vehicles turning left out of the access.*

- 14 Prior to the first occupation of any dwelling, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Butt 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.*

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

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

- 16 The development hereby permitted shall be carried out in strict accordance with the 'Travel Plan' by "M-EC" (ref: 21072/04-15/3858) dated April 2015 submitted to the Local Planning Authority on 18 May 2015.

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

- 17 No development shall commence until a scheme for surface water drainage has been first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- a) The utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality;



- b) The limitation of surface water run-off to equivalent greenfield rates;
- c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of the drainage calculations; and
- d) The responsibility for the future maintenance of drainage features

The scheme shall be implemented and maintained in accordance with the agreed details and timetable, unless subsequently timing and phasing arrangements are agreed in writing by the Local Planning Authority.

*Reason - To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.*

- 18 The discharge rate for the proposed site should be based on the Qbar calculation contained within the Flood Risk Assessment 1.8 l/s/ha (6.6 l/s for the current proposal) and not the 5 l/s/ha estimate.

*Reason - To prevent flooding by ensuring that there is no increased discharge from the proposed development.*

- 19 No development shall commence until drainage plans for the disposal of foul drainage have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

- 20 No development shall commence on site until a Further Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- a. BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- b. BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- c. BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- d. 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:

- e. 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:

- f. Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- g. 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.*

- 21 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:
- a. Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
  - b. Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
  - c. 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;
  - d. Contain Test Certificates of imported material to show that it is suitable for its proposed use;
  - e. Demonstrate the effectiveness of the approved Remedial Scheme; and
  - f. 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.*

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

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

- 23 The development hereby permitted shall be carried out in strict accordance with and including the recommendations contained within the 'Noise Assessment' by Acute Acoustics Ltd dated 14 April 2015 received by the Local Planning Authority on 18 May 2015.

*Reason: In the interests of residential amenity.*

- 24 The development hereby permitted shall be carried out in strict accordance with precautionary working methods for Great Crested Newts as set out in the 'Preliminary Ecological Appraisal' by Ramm Sanderson Ref: RSE-012-01-V1 dated 25 September 2014 received by the Local Planning Authority on 18 May 2015.

*Reason: In the interests of protected species on the site.*

- 25 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive, unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

*Reason- to reduce the impact of the proposal on nesting birds, which are a protected species.*

### **Notes to applicant**

- 1 In relation to Condition 11, the Local Planning Authority would expect the biodiversity management plan to specify the retention of hedgerows and include buffer zones of at least 5m from natural vegetation along the boundaries of the site except for the proposed vehicular access point.
- 2 The applicant's attention is drawn to the attached comments of The Coal Authority dated 8 June 2015.
- 3 The applicant's attention is drawn to the attached comments of Leicestershire County Council Lead Local Flood Authority Officer dated 28 May 2015.
- 4 The applicant's attention is drawn to the attached comments of The Council's Tree Officer dated 25 June 2015.
- 5 The applicant's attention is drawn to the attached comments of Leicestershire County Council Footpaths Officer dated 20 May 2015. The applicant should be aware that, if any of the public footpaths crossing the site are to be diverted because the development crosses a footpath making the footpath unviable for use of the footpath would not be there once the development is completed then a footpath diversion application will need to be to the District Council at the Reserved Matters Stage. Further information can be obtained from Julia Harley by calling 01530 454604 or emailing julia.harley@nwleicestershire.gov.uk
- 6 The applicant's attention is drawn to the attached comments of Leicestershire County Council Highways Authority Officer dated 5 June 2015.