
Erection of up to 153 dwellings with associated car parking, landscaping, open space and access roads (Outline - all matters other than part access reserved)

Report Item No
A4

Arla Dairies Smisby Road Ashby De La Zouch Leicestershire
LE65 2UF

Application Reference
16/00275/OUTM

Applicant:
Arla Foods UK

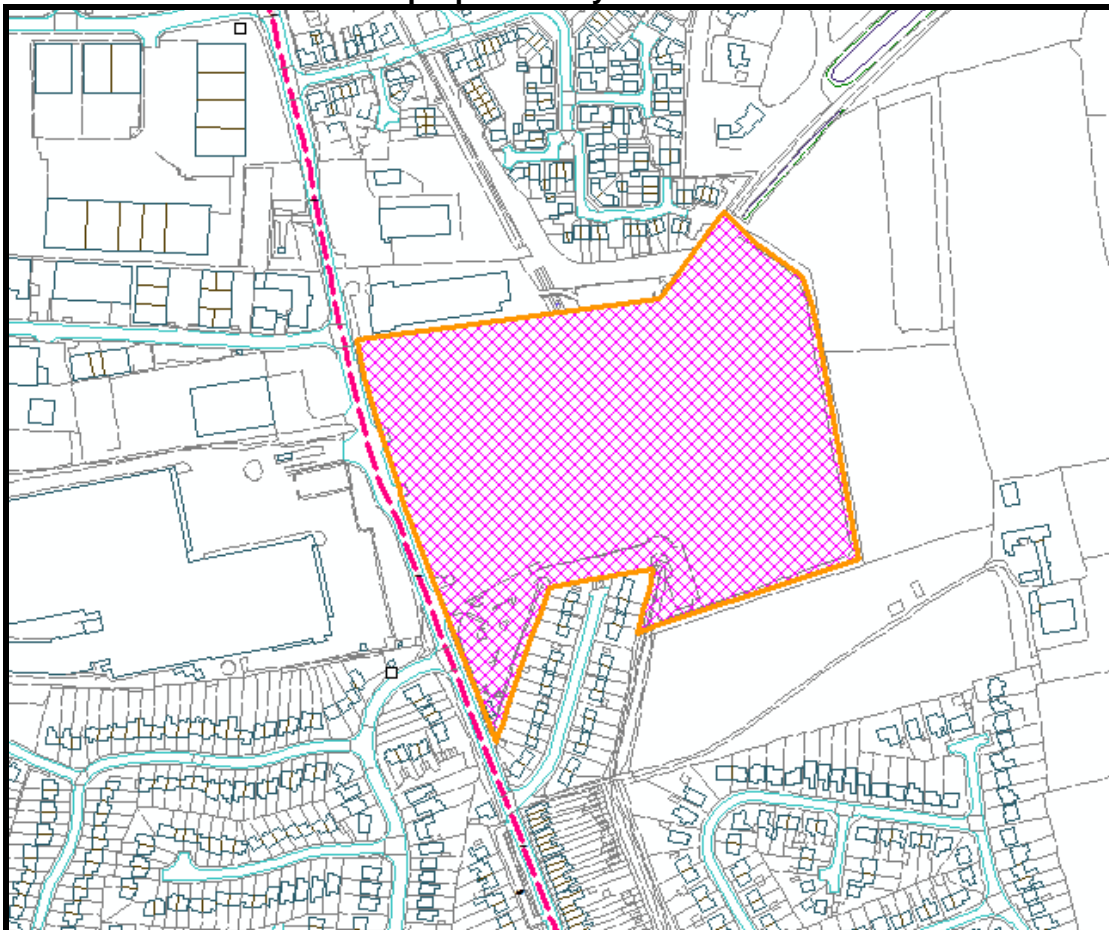
Date Registered
1 March 2016

Case Officer:
James Knightley

Target Decision Date
31 May 2016

Recommendation:
PERMIT subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission for residential development of up to 153 dwellings.

Consultations

Members will see from the main report below that no objections have been received from statutory consultees in respect of the proposals.

Planning Policy

The application site lies within Limits to Development as defined in the adopted North West Leicestershire Local Plan and is within Limits to Development and allocated for housing within the submitted North West Leicestershire Local Plan.

Conclusion

The report below indicates that the development is acceptable in principle, that there are no other technical issues that would indicate that planning permission should not be granted, and that appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies 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

This is an outline planning application for the erection of up to 153 dwellings on a site of approximately 5.4 hectares formerly used as a dairy processing plant; the site buildings have now been demolished and the site is vacant. Whilst some matters are reserved for subsequent approval, an illustrative masterplan has been submitted which shows residential development arranged to either side of the Gilwiskaw Brook. The watercourse is currently culverted, but would be reinstated as an open watercourse as part of the development.

All matters are reserved save for the access insofar as it relates to the proposed means of vehicular access into the site which would be gained from Smisby Road. The remainder of the "access" matters (i.e. including the pedestrian and cycle links to adjacent land and circulation routes through the site itself as shown on the illustrative masterplan) are reserved for subsequent approval.

The application is referred to the Planning Committee for a decision at the request of Councillor Allman.

2. Publicity

55 no neighbours have been notified (date of last notification 03 March 2016)

Press Notice published 16 March 2016

Site Notice published 17 March 2016

3. Consultations

Ashby De La Zouch Town Council
County Highway Authority
Environment Agency
Severn Trent Water Limited
Head of Environmental Protection
Natural England- Within 2k Of SSSI
County Archaeologist
LCC ecology
Airport Safeguarding
NWLDC Urban Designer
National Forest Company
County Planning Authority
LCC Development Contributions
NHS Leicester, Leicestershire And Rutland Facilities Management
Head Of Leisure And Culture
Manager Of Housing North West Leicestershire District Council
Police Architectural Liaison Officer
LCC/Footpaths
NWLDC Footpaths Officer
Highways Agency
Head Of Street Management North West Leicestershire District

4. Summary of Representations Received

Environment Agency has no objections subject to conditions

Highways England has no objections

Leicestershire County Council Archaeologist has no objections

Leicestershire County Council Education Authority requests provision of a primary school or a financial contribution in respect of the primary sector of £444,275.65, a financial contribution in respect of the high school sector of £273,505.40, and a financial contribution in respect of the upper school sector of £280,833.95.

Leicestershire County Council Highway Transportation & Waste Management Authority advises that no developer contributions are required

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

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Highway Authority has no objections subject to conditions and planning obligations

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

Leicestershire County Council Rights of Way Officer has no objections subject to conditions securing the upgrading and diversion of an adjacent right of way

National Forest Company has no objections subject to conditions

Natural England has no objections subject to conditions

North West Leicestershire District Council Environmental Health has no objections subject to conditions

Severn Trent Water has no objections subject to conditions

West Leicestershire Clinical Commissioning Group requests a healthcare contribution of £60,728.96

Third Party representations

Two representations have been received, raising the following issues:

- Increased traffic on Smisby Road
- Noise mitigation should be provided to protect future residents from noise from nearby employment use
- Existing drainage problems within Smisby Road and the culvert
- Proposals should ensure continuity of use by residents of existing rear access to properties on Northfields

In addition, the agents for the Money Hill Consortium note as follows:

- Loss of former employment land would be compensated for by new employment land proposed as part of the emerging Local Plan proposals for the wider Money Hill area
- Pedestrian and vehicular permeability to the wider Money Hill site should be secured
- Emerging Neighbourhood Plan requires provision of a masterplan

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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 17 (Core planning principles)
- 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 56 (Requiring good design)
- 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 102 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 118 (Conserving and enhancing the natural environment)
- Paragraph 120 (Conserving and enhancing the natural environment)
- Paragraph 123 (Conserving and enhancing the natural environment)
- Paragraph 131 (Conserving and enhancing the historic environment)
- Paragraph 135 (Conserving and enhancing the historic environment)
- Paragraph 173 (Using a proportionate evidence base)
- Paragraph 203 (Planning conditions and obligations)
- Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The site was formerly protected for employment use under Policy J10 of the adopted North West Leicestershire Local Plan; this policy has not been saved, however, and the site therefore

lies within Limits to Development as defined on the Local Plan Proposals Map. No other site-specific policies apply.

The following adopted Local Plan policies are considered relevant:

- Policy S2 - Limits to Development
- Policy H4/1 - Housing Land Release
- Policy H6 - Housing Density
- Policy H7 - Housing Design
- Policy H8 - Affordable Housing
- Policy E2 - Landscaped Amenity Open Space
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy E6 - Comprehensive Development
- Policy E7 - Landscaping
- Policy E8 - Crime Prevention
- Policy E30 - Floodplains
- Policy F1 - National Forest General Policy
- Policy F2 - National Forest Tree Planting
- Policy F3 - National Forest Landscape and Planting
- Policy T3 - Highway Standards
- Policy T8 - Parking
- Policy L21 - Children's Play Areas
- Policy L22 - Formal Recreation Provision

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in Ashby de la Zouch.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Ashby de la Zouch.

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.

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

The site is located within Limits to Development as defined in the submitted Local Plan and within an area identified as a new housing allocation.

The following draft Local Plan policies are considered relevant:

- Policy D1 - Design of new development
- Policy D2 - Amenity
- Policy H3 - Housing provision: new allocations (site H3a)

Policy H4 - Affordable housing
Policy H6 - House types and mix
Policy IF1 - Development and infrastructure
Policy IF3 - Open space, sport and recreation facilities
Policy IF4 - Transport infrastructure and new development
Policy IF7 - Parking provision and new development
Policy En1 - Nature conservation
Policy En2 - River Mease Special Area of Conservation
Policy En3 - The National Forest
Policy En6 - Land and air quality
Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment
Policy Cc2 - Flood risk
Policy Cc3 - Water: sustainable drainage systems

Emerging Ashby de la Zouch Neighbourhood Plan

On 2 May 2016 Ashby de la Zouch Town Council commenced public consultation on a pre-submission Neighbourhood Plan.

The site lies within Limits to Development as defined in the emerging Neighbourhood Plan. The following draft Neighbourhood Plan policies are considered relevant:

Policy S1 - Presumption in Favour of Sustainable Development
Policy S2 - Limits to Development
Policy S4 - Design
Policy S5 - Priority to be given to Brownfield Sites
Policy H1 - Sustainable Housing Growth
Policy H2 - Requirement for Masterplan
Policy H4 - Housing Mix
Policy H5 - Affordable Housing
Policy T1 - Sustainable Development
Policy T2 - Travel Plans
Policy ELWB 3 - Open Space, Sport and Recreation Provision in New Housing Development
Policy ELWB 4 - Allotment Provision in New Developments
Policy ELWB 5 - Biodiversity
Policy ELWB 6 - Trees and Hedges
Policy ELWB 10 - Areas of Archaeological Interest
Policy ELWB 15 - Education
Policy DC1 - Community Infrastructure

6. Assessment

Principle of Development

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

As set out under Relevant Planning Policy above, the site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. It is also identified as part of a

wider site for residential development under Policy H3 of the submitted Local Plan.

Housing Land Supply

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

In addition, consideration must 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. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out in more detail in this report.

Site Accessibility and Policy H4/1

Policy H4/1 of the adopted Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst this policy is considered to be out of date (because a sequential approach to residential development is outdated in the context of the NPPF), the sustainability credentials of the scheme (in terms of accessibility to services) would still need to be assessed.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Insofar as the site's location is concerned, it is within the existing built up area of the settlement. In terms of accessibility generally, the view is taken that, as a site within the built up area of Ashby de la Zouch and the range of services available therein, it performs relatively well in this regard. The site is located approximately 900m from the town centre (as defined on the adopted Local Plan Proposals Map) via right of way O80, and close to bus stops served by buses connecting the site with the town centre and other settlements (including Burton on Trent and Coalville) at regular intervals during the daytime (on weekdays).

Other Matters

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to housing land supply and the inclusion of appropriate contributions to local services as detailed below, would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, within the existing built up area and close to services, has the potential to perform well in terms of need to travel and the movement towards a low carbon economy.

Whilst the site's redevelopment for housing would entail its permanent loss as employment land, it is noted that the District's employment land requirements as set out in the submitted Local Plan have been calculated taking into account the site's anticipated release for residential development and, as such, it is accepted that the proposals would not lead to a shortage of employment land within the District.

In terms of the scheme's compliance with other elements of emerging planning policy, it is noted that both the emerging Local and Neighbourhood Plans envisage this site being developed for

housing as part of a wider Money Hill allocation.

Whilst full weight cannot be attributed to their policies at this stage, it is accepted that the proposals would (or would have the potential to) meet the majority of the various emerging Local and Neighbourhood Plan requirements. Whilst the application is not supported by a masterplan for the wider proposed allocation as required under Neighbourhood Plan Policy H2, it is not considered that this could reasonably be required at this stage in view of the early stage the Neighbourhood Plan has reached, and given that there appears to be no reason why the scheme proposed would necessarily prejudice the appropriate development of the wider site. The form of the development as indicated on the illustrative masterplan would appear to allow for future extension to the east if needs be (and if considered acceptable in planning terms), and potentially connected via a vehicular link. The application supporting documents indicate that the proposed carriageway width has been designed to allow for potential future bus penetration of the site as part of a vehicular link between the proposed redevelopment site and the proposed Money Hill residential development site to the east, and that a 3 metre wide shared footway / cycleway would be provided on either side of the access road. As such, whilst the submitted illustrative masterplan does not show the principal access route connecting right up to the site boundary, it is accepted that, in principle, there is no reason why the reserved matters proposals could not be compatible with an appropriate delivery of the wider Money Hill site and the requirements of adopted Local Plan Policy E8 would appear to be capable of being met.

In their comments on the application, the agents for the promoters of the adjacent Money Hill Consortium site state that the final approved parameter plans would need to identify the link to the site boundary, for the road to be built to adoptable standards up to the boundary of the site with the Money Hill Consortium's site, and for it to be offered for adoption. They consider that this is necessary to avoid any future "ransom" scenario and to deliver the wider aspirations of the District Council, and also consider that the access and link should be provided to an 85%ile design speed of 30mph as this will become the strategic link to the A511.

The submitted Local Plan does not require the provision of a vehicular connection between Smisby Road and the A511, but draft Policy H3 provides that any highway link between allocation H3a's principal vehicular access route from the A511 and its secondary vehicular access route from Smisby Road should be designed in such a way that it would not provide an attractive through route. Whilst not a policy requirement, however, the view is taken that, in the interests of the proper planning of the area, and to ensure that any development of the Money Hill allocation maximises opportunities for connectivity (and including for public transport), it would be appropriate to ensure that the potential to provide a vehicular link is secured. Whilst this is considered to represent a legitimate planning aim (and, therefore, would meet the tests for conditions set out in Paragraph 206 of the NPPF), the issue as to whether the developer of either site ought to be able to secure a "ransom" at the expense of another would not be material to the planning assessment. Recommended Condition 16 below relates to this matter.

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below.

Means of Access, Highways and Transportation Issues

As set out in the introduction above, the application is in outline with all matters reserved save for the access insofar as it relates to the vehicular access point into the site from Smisby Road;

in terms of illustrative material, the indicative masterplan shows the provision of a principal avenue leading from the proposed Smisby Road access. As discussed above in respect of connectivity to the wider Money Hill site, the submitted masterplan does not show this route connecting to the site boundary, but it is accepted that this is illustrative only, and there is no reason why an appropriate scheme could not be secured subject to the imposition of appropriate conditions and / or subject to the content of the reserved matters submission(s) (and their proposals in respect of access which, save for the Smisby Road junction, is a reserved matter).

Wider Highway Network

The County Highway Authority notes that the Addendum Transport Assessment reflects the fact that the former use of the site has now ceased (i.e. that there are now no existing flows in connection with the development site).

The County Council advises that the double mini roundabout junction of Derby Road, Burton Road and Elford Street has recently been assessed as being over capacity (and, in particular, the link between the two mini roundabouts). However, on the basis of the submitted information, the County Highway Authority accepts that the proposals would not lead to more than 30 additional trips through this junction in either the am or pm peak, and no further assessment of this junction is therefore required. In terms of the A511 / Smisby Road roundabout junction, the County Highway Authority considers that this would continue to operate with spare capacity during the weekday peak hours. The development would not, therefore, result in a severe, unacceptable impact on queuing and delays at any junctions within the extent of the Transport Assessment (nor indeed at the proposed site access).

Smisby Road Access

The proposed vehicular access would be in the form of a priority access from Smisby Road and with the proposed estate road comprising a 6.75m wide carriageway with 3m wide footways / cycleways. Associated off-site works to the Smisby Road frontage are also proposed. The County Highway Authority confirms that it would welcome the proposed closure of existing redundant accesses onto Smisby Road and would expect any future reserved matters scheme to continue at this width to the eastern site boundary. In terms of vehicle speeds along Smisby Road (and their relationship to the proposed site access), the County Highway Authority advises that, notwithstanding the existing traffic calming scheme along Smisby Road, speeds not exceeding 30mph should be delivered in the vicinity of the access as part of the off-site highway works. Whilst a scheme of works is indicated on the submitted plan, the County Council considers that amendments to that scheme would be likely to be required, and a Grampian condition is therefore recommended to secure any necessary works on Smisby Road.

Public Rights of Way

The route of public right of way O80 circumvents the site, and connects it to the town centre. The County Highway Authority is satisfied that, providing a suitable crossing facility of any new access road was provided, this footpath (and related right of way legislation) would not prevent access by an access road from the development site into the wider Money Hill site in future.

The County Council's Rights of Way Officer suggests that, in order to enhance the site's connectivity, an unsurfaced stretch of approximately 100m in length between the site and the surfaced section of O80 be improved. He also suggests that the developer consider diverting O80 through the site to provide a more direct route.

Whilst it is not accepted that there is a need to divert the existing route, provision of a suitable (additional) route through the site could be secured at the reserved matters stage if necessary. It is, however, agreed that improved surfacing of the existing route would be appropriate in terms of maximising new residents' opportunities to access the town centre by foot. The applicant's agent confirms that his client would be agreeable to improving the footpath in this regard, and is content for an appropriate condition to be attached securing this.

Transportation Contributions

Other mitigation proposals required by the County Highway Authority (and sought as Section 106 contributions) are as follows:

- (i) A contribution of £6,000 towards Travel Plan monitoring so as to enable Leicestershire County Council to provide support to the developer's Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated enforcement
- (ii) Submission / approval of a construction traffic routing agreement so as to ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site
- (iii) One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (these can be provided by the County Council at a cost of £52.85 per pack)
- (iv) Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour (these can be provided by the County Council at a cost of £350 per pass); and
- (v) Improvements to local bus services including:
 - Improvements to the nearest bus stop(s) (including raised and dropped kerbs to allow level access and to support modern bus fleets with low floor capabilities) (£3,263);
 - Information display case at nearest bus stop to inform new residents of the nearest bus services in the area (£120)
 - Provision of a bus shelter at the nearest bus stop(s) to provide high quality and attractive public transport facilities to encourage modal shift (£4,908); and
 - Contribution towards equipping the nearest bus stop with Real Time Information (RTI) system to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift (£6,000)

The applicant is agreeable to making the contributions sought by the County Highway Authority.

Landscape and Visual Impact

Given the site's location within Limits to Development, and abutting existing built development on three sides, wider landscape or visual impacts would seem unlikely. Whilst the site is located adjacent to existing agricultural land to the east (and which lies outside Limits to Development as defined in the adopted Local Plan), significant impacts on the character of the nearby countryside would, it is considered, not arise. It is also noted that the agricultural land to the east also falls within the proposed housing allocation as set out in the submitted Local Plan.

Drainage, Ecology and the River Mease SAC

The application is accompanied by supporting information in respect of the flood risk, drainage and ecological implications of the proposed development and, having regard to the site's location within the catchment of the River Mease Special Area of Conservation (SAC), the

impacts on water quality of the Mease. These issues are considered in more detail below.

Flood Risk and Drainage

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. The Environment Agency flood zone maps indicate that the majority of the site lies within Flood Zone 1, although the central part of the site lies within Flood Zone 3. However, the Environment Agency's consultation response advises that, as a result of a reduction in the flood risk to the site and to the town centre arising from benefits associated with the recent David Wilson Homes development to the north, more precise assessment of flood risk indicates that the affected part of the site now lies within Flood Zone 2, and recommends that it is the site's location within this zone that is used to inform the sequential test.

Insofar as the sequential test is concerned, no alternative (sequentially preferable) sites (i.e. within Zone 1) have been considered by the applicant. However, the applicant's consultants also draw attention to the fact that, whilst some of the site currently lies within Zone 2, its status would change further as a result of the removal of the culvert. This, they advise, would have the effect of placing the whole of the site (save for the area immediately adjacent to the watercourse) within Zone 1. As such, all proposed dwellings would be within Zone 1 and, on this basis, it is considered reasonable to accept that this in itself should not prevent the sequential test being passed, particularly when having regard to the likely availability of alternative sites, and the need to release land for housing. It is also noted that the broader aims of the policies set out in the Planning Practice Guidance would be met in that the development would not be considered to result in any unacceptable risk of flooding to the proposed dwellings, nor other property elsewhere.

Insofar as other sources of flooding are concerned, the FRA considers, in particular, the potential impacts from surface water. To mitigate the risk of surface water flooding, the FRA confirms that the design of the new development would adopt measures to reduce the surface water discharge to greenfield run-off rates through the use of SUDS. It indicates that surface water runoff would be attenuated within the site drainage system to mitigate off-site flooding and to protect vulnerable areas within it, and that additional storage would be provided within the new drainage system to allow for the anticipated increase in rainfall intensities over the life of the development due to climate change. The FRA states that an allowance of 10% increase in current impermeable area has also been considered in the design to allow for future urban expansion.

Insofar as foul sewage is concerned, given its location within Ashby de la Zouch, the site's foul drainage would discharge to the Packington sewage treatment works. The issues relating to the River Mease SAC are addressed in more detail below; Severn Trent Water raises no objections to the application subject to conditions.

Ecological Issues

The application is supported by an Extended Phase 1 Habitat Report.

Insofar as protected species are concerned, the Report identifies that the site is unlikely to support great crested newts or reptiles. In terms of bats, the Report notes the potential for the buildings (now demolished) and trees on the site, but considers that this is limited to the scrub belt along the site boundaries (which could have some potential for foraging and commuting bats).

Leicestershire County Council's Ecologist has been consulted on the proposals, and supports

the application for the opportunity it brings to reinstate the Gilwiskaw Brook, reuniting the severed wildlife corridor along the brook. She confirms that she considers the ecology survey is satisfactory; she notes that there are no habitats of significance currently on site, and no evidence of protected species. She advises that no further surveys are required, and no mitigation is needed. The County Ecologist therefore raises no objections subject to conditions.

River Mease Special Area of Conservation (SAC)

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

The flows from the new dwellings will need to be taken into account against the existing headroom at Packington Treatment Works, which serves the site. At March 2016 capacity was available for 3,368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1,036), giving capacity for 2,332 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

In terms of mitigation (and whilst the capacity above reflects the additional capacity arising from former dairy's closure), the applicant's submitted River Mease Impact Assessment notes that the flows from the site would not increase foul discharge beyond those associated with the site's former use and, as such, it would not be necessary to make a contribution under the Developer Contribution Scheme (DCS) (which has been set up in accordance with the Water Quality Management Plan). It is accepted that the development represents betterment in this regard, and it is agreed that, in this instance, a contribution would not be necessary.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely 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.

Historic Environment

The site does not contain, nor is in close to proximity of any listed buildings or Conservation Areas. In terms of non-designated heritage assets, the application is supported by an Archaeology and Heritage Assessment; this concludes that, given the significant depths of made ground on the site and the previous development of the site, extensive truncation or complete removal of any archaeological potential is likely to have resulted. The County Archaeologist considers that no further archaeological work is required, and raises no objections.

Neighbours' and Future Occupiers' Amenities

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the impacts on the future living conditions of residents of the proposed development, having regard to the site's location, as well as on existing residents arising from

the proposed development. These are considered in turn below. The application is accompanied by a Noise Survey, together with supplementary noise information received in response to queries raised by the District Council's Environmental Protection team.

In terms of future residents' amenities, the submitted noise information identifies, in particular, the noise impacts areas of nearby employment uses, and including the existing KP facility to the opposite side of Smisby Road. In terms of mitigation for the effects of nearby uses, the submitted information indicates that the appropriate orientation of buildings (i.e. as proposed at the reserved matters stage) and inclusion of appropriate measures within the dwellings themselves (e.g. acoustic glazing) would mitigate any effects satisfactorily.

Concern has been raised by the operators of the nearby KP facility regarding the presence of dwellings on the site, given noise generated by the existing operations, and it is understood that KP and the applicant have reached agreement that the applicant will fund the construction of a noise bund to the frontage of KP, and that they are content for the Local Planning Authority to impose a condition requiring this. The submitted noise information does not however specify that such a measure would be necessary and, therefore, it is not considered that a Grampian condition specifically requiring this would meet the relevant NPPF tests. Nevertheless, it seems clear that some form of mitigation is required (a position concurred with by the District Council's Environmental Protection team) and, therefore, the conditions recommended below reflect this position. Given the outline nature of the application, the final noise impacts are likely to depend on factors such as where exactly dwellings were positioned, and their orientation, and it may remain the case therefore that additional measures are necessary and, depending on the range of measures proposed at that time by the applicant, could potentially include a bund (amongst other solutions), and subject to any such off-site measures securing planning permission if required. As such, the view is taken that, in principle, there is no reason why the development could not be undertaken in a manner that would ensure that future residents are subject to satisfactory levels of amenity.

In terms of other residential amenity issues, whilst an illustrative masterplan has been submitted, all matters (other than the proposed Smisby Road access) are reserved for subsequent approval. Any reserved matters scheme would need to be appropriately devised at the edges of the site adjacent to other dwellings (primarily to the northern and southern parts of the site) so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity but there is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard.

Geotechnical Issues and Land Contamination

The applicants have undertaken a Phase 1 Geo-Environmental Desk Study assessing the potential hazards / contamination risks, and recommending further, intrusive site investigations in due course. The District Council's Environmental Protection team raises no objections in this regards subject to conditions in respect of further investigations / remediation as necessary.

Design

The application is supported by a Design and Access Statement and a Building for Life assessment setting out the applicants' proposals, and explaining the approach taken in terms of design. Having reviewed these documents and the illustrative proposals, the District Council's Urban Designer had raised concerns regarding the illustrative scheme, and updated supporting

information has been submitted. On the basis of the updated proposals, whilst the Urban Designer raises no objections per se, he identifies a number of areas where further work is required to demonstrate compliance with Building for Life 12; his Building for Life assessment identifies 9 of the 12 Building for Life criteria as "ambers" (with the remainder as "greens"). He is however satisfied that the current "ambers" have the potential to be upgraded to "greens" with the inclusion of appropriate measures at the reserved matters stage(s).

It is noted that representations have been received from a resident on Northfields regarding the existing unmade access serving the rear of dwellings on the western side of that road. It would appear that the track lies within the ownership of the applicant. Nevertheless, the applicant's agent has confirmed that his client would be agreeable to ensuring that the layout proposed at the reserved matters stage enabled continued access to the rear of those properties if preferred by existing residents.

In terms of accessibility of the site from Northfields, the illustrative layout does not include for any pedestrian or cycle linkages between the site and Northfields which, it is considered, would be a logical and useful link for residents of both existing and proposed development. The applicant's agent has however confirmed that his client would be content for a condition to be attached to secure this; whilst a separate condition is not recommended, recommended Condition 5 below would, it is considered, allow for appropriate consideration to be given to the provision of such linkages.

Other Matters

Developer Contributions

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

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

Equivalent legislative tests are contained within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

Affordable Housing

In accordance with the District Council's adopted Affordable Housing SPD, an affordable housing contribution of 30% is proposed. Whilst the submitted Affordable Housing Statement refers to the potential for some of this contribution to be made off-site, it is considered that it should be provided on-site unless there are any specific reasons why this cannot be the case. For its part, the District Council's Strategic Housing team advises that it would be seeking a tenure mix of 79% affordable rented and 21% intermediate housing in accordance with the District Council's adopted SPD. The applicant confirms it would be agreeable to providing the tenure mix sought by the Council's Strategic Housing team, and it is considered that these requirements can be satisfactorily secured through the Section 106 drafting process.

Transportation and Accessibility Contributions

As set out under Means of Access, Highways and Transportation Issues above, the applicant is agreeable to making the contributions as set out under that section.

Education

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

Primary School Requirements:

The site falls within the catchment area of Woodcote Primary School. The school has a net capacity of 237 and 277 pupils are projected on the roll should this development proceed, a deficit of 40 pupil places. A total of 51 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 11 pupil places.

The County Council also refers to three other primary schools within a two mile walking distance of the development, namely Willesley Primary School, Hill Top Primary School and Ashby C of E Primary School. Having regard to capacity at these schools and other pupil places funded from Section 106 agreements for other developments in the area, the overall deficit within the two mile walking distance is 69 pupil places. The 37 deficit places created by this development can therefore not be accommodated at nearby schools and a request for an education contribution in respect of 37 pupil places in the primary sector is made (£444,275.65), and would be used for improving, remodelling or enhancing existing facilities at Woodcote Primary School.

High School Requirements:

The site falls within the catchment area of Ivanhoe High School. The School has a net capacity of 949 and 1,121 pupils are projected on roll should this development proceed, a deficit of 172 pupil places. A total of 62 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 110 pupil places (of which 94 are existing and 16 would be created by this development). There are no other high schools within a three mile walking distance, and a request for an education contribution in respect of the high school sector is made (£273,505.40), and would be used for improving, remodelling or enhancing existing facilities at Ivanhoe High School.

Upper School Requirements:

The site falls within the catchment area of Ashby School. The school has a net capacity of 1,841 and 2,039 pupils are projected on roll should this development proceed, a deficit of 198 pupil places. A total of 131 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 67 pupil places (of which 51 are existing and 16 would be created by this development). There are no other upper schools within a three mile walking distance, and a request for an education contribution in respect of the upper school sector is made (£280,833.95), and would be used for improving, remodelling or enhancing existing facilities at Ashby School.

The applicant is agreeable to making the education contributions sought.

Library Services

Leicestershire County Council advises that an additional 221 plus users of Ashby de la Zouch Library are anticipated to be generated by the proposed development, requiring an additional 531 items of lending stock (plus reference, audio visual and homework support material), and a

contribution of £4,620 towards library services is therefore requested by the County Council. The applicant is agreeable to making the library contributions sought.

Children's Play, Public Open Space and National Forest planting

The illustrative masterplan shows a significant proportion of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space, with the open space including a new "Brook Park" of approximately 8,000 square metres following the route of the re-opened Gilwiskaw Brook.

Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of 153 dwellings, an area for children's play of 3,060 square metres would normally be required (and, having regard to the extent of the open space proposed indicatively which, in addition to the Brook Park also includes open space adjacent to Smisby Road, could comfortably be accommodated). Following discussions with Ashby de la Zouch Town Council, however, the intention is to make an off-site contribution of £90,000 to the Town Council, with the intention being to contribute towards improving the existing children's play and / or recreational open space facilities at Hood Park. Whilst that would be beyond the maximum walking distance allowed for off-site play contributions as set out in the adopted SPG, it would seem that there would in any event be other opportunities to which it could contribute if considered appropriate (e.g. the new play area provided on the David Wilson Homes development to the north, or any potential public open space provided as part of the wider Money Hill scheme). For its part, the Town Council has confirmed that the sum offered is acceptable.

Insofar as National Forest planting is concerned, the National Forest Company accepts that an appropriate green infrastructure contribution would be provided, meeting the National Forest Company's minimum 20% requirements. The National Forest Company therefore raises no objections, subject to this quantum of green infrastructure being secured as part of the reserved matters scheme, and subject to various other measures including protection of trees to the site boundary during construction works, securing of footpath connections, and the surfacing of the existing right of way abutting the site (as referred to above). Any required tree protection measures would, it is considered be matters for assessment at the reserved matters stage(s).

Healthcare

West Leicestershire Clinical Commissioning Group (CCG) requests a developer contribution of £60,728.96 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on both the North Street and the new Burton Road surgeries) together with commensurate costs of mitigation. The applicant is agreeable to making the healthcare contributions sought.

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

Conclusions

As set out in the main report above, the site lies within Limits to Development as defined in the adopted Local Plan and, furthermore, is allocated for residential development in the submitted Local Plan. Having regard to the existing position in respect of employment land supply, and the

strategy for the provision of such within the submitted Local Plan, it is accepted that the site's cessation of use for employment purposes would not be unacceptable. There are no unresolved technical objections to the application from statutory consultees, and appropriate contributions towards infrastructure and affordable housing would be provided. Approval is therefore recommended subject to Section 106 obligations and conditions.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following conditions:

- 1 Save for the details of vehicular access into the site from Smisby Road, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason - This permission is in outline only.

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

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Site location plan (unnumbered) deposited with the Local Planning Authority on 1 March 2016
 - Proposed site access junction (004 Rev B) deposited with the Local Planning Authority on 19 October 2016

Reason - To determine the scope of this permission, and for the avoidance of doubt.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of access, site layout, areas of open space / children's play, 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 agreed in writing by the Local Planning Authority. All development 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.

- 6 No reserved matters applications shall be submitted until such time as a Design Code for the whole of the site has been submitted to and agreed in writing by the Local Planning Authority. The Design Code shall demonstrate compliance with Building for Life 12 (or any subsequent replacement standard issued by the Design Council / CABE or any successor organisation). The development shall thereafter be carried out in accordance with the agreed Design Code.

Reason - To ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 7 A total of no more than 153 dwellings shall be erected.

Reason - To define the scope of this permission.

- 8 No reserved matters application in respect of the layout shall be submitted until such time as suitable hydrological and hydraulic modelling analysis of the proposed reinstated watercourse to confirm the channel size and shape, flood extents and safe developable limits and to inform the site layout and design of any other mitigation measures has been submitted to and agreed in writing by the Local Planning Authority. The hydraulic analysis shall include (but not be exclusive of) the following:
- Suitable hydraulic calculations/modelling to confirm actual Flood Zone/Flood plain outlines at the site, including but not exclusive of proposed channel capacity, 20 year, 100 year, 100 year plus 20% (for climate change) and 1,000 year (5%, 1%, 1% plus 20% increase in flow, and 0.1%) flood event levels;
 - Testing of the results in accordance with current climate change predictions;
 - A comparison of the watercourse, hydraulic and existing and proposed topographic information for the above flood levels to confirm the likely extent and depth of flooding and proposed Flood Zone classification at the site;
 - Assessment of any watercourse crossings on flood flows and flood risk; and
 - Detailed design information for the reinstated watercourse, and any crossings within the site, including the provision of appropriate plans, cross and long section(s) extending from the site, through the watercourse and beyond, detailing the site layout and levels and the predicted flood levels, with the above flood event outlines marked on the plan/s as contour lines.

Reason - To prevent flooding on site by ensuring the reinstated channel is constructed to the required flow capacity, that safe developable constraints are used and to inform the design of any other mitigation measures are applied to the proposed site layout; to prevent the increased risk of flooding, both on and off site, to improve and protect water quality and ensure future maintenance of the existing surface water drainage system; and to ensure the permanent retention of a continuous unobstructed area is included as an essential requirement for the preservation of the water course corridor, wildlife habitat and amenity.

- 9 The development permitted by this planning permission shall not be carried out other than in strict accordance with the Flood Risk Assessment dated January 2016, ref. A087443 undertaken by WYG and the following mitigation measures detailed within the FRA:

- Confirmation of the opening up of any culverts across the site, by the provision of reinstated open watercourse (Gilwiskaw Brook) channel within the site - Section 4.1.6;
- Provision of a green corridor along both sides of the open watercourse channel within the site - Section 4.3.5;
- Finished floor levels set no lower than 600mm above the 1% chance (plus an allowance for climate change) flood level and / or 150mm above proposed external finished ground levels, whichever is the higher, to Ordnance Datum (AOD) - Sections 4.3.6 and 6.4.2;
- Proposed new road crossing to include a restriction with the same conveyance capacity (not size) as the existing culvert - Section 6.4.3.

Unless any alternative programme is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as the mitigation measures have been fully implemented.

Reason - To reduce the risk of flooding from failure of or blockages to the existing culvert(s); to reduce the risk of flooding to the proposed development and future occupants.

- 10 No development shall commence on the site until such time as a surface and foul water drainage scheme for the site, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable. The scheme shall include:
- The utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality;
 - The limitation of surface water run-off to equivalent greenfield rates;
 - 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 drainage calculations;
 - The responsibility for the future maintenance of drainage features;
 - Headwall details, pipe protection details, long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year + climate change
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and 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 ensure that the site is appropriately drained, and to prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site, to minimise the risk of pollution, and to ensure that the development will not impact upon the features of special interest for which the River Mease SAC / SSSI is notified.

- 11 No development shall commence on the site until such time as a Remedial Scheme and a Verification Plan has been 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 (Environment Agency 2004) and BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings; 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 (Environment Agency 2010);
 - CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004)
 - BS 8485:2015 Code of practice for the design of protective measures for methane and

- carbon dioxide ground gases for new buildings; and
 - CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA, 2014.
- If, during the course of development, previously unidentified contamination is discovered, development shall cease on that part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. 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); and
 - CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004). 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, to ensure protection of controlled water receptors and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 12 None of the dwellings shall be occupied until such time as either (i) a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, has been submitted to and agreed in writing by the Local Planning Authority; or (ii) a verification investigation has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development, and the report showing the findings of the verification investigation has been submitted to and agreed 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 of 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 Remediation Scheme have been completed

Reason - To ensure that the land is fit for purpose, and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 13 No development shall commence on the site until such time as precise details of all mitigation measures set out under Section 6 of the submitted Extended Phase 1 Habitat Survey (WYG, November 2014), together with a timetable for their implementation, have been submitted to and agreed in writing by the Local Planning Authority. Unless any

alternative measures are first agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in strict accordance with the agreed measures and timetable.

Reason - In the interests of nature conservation.

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

Reason - To ensure that future occupiers of the development are protected from excessive noise, in the interests of amenity, and to comply with Policy E3 of the adopted North West Leicestershire Local Plan.

- 15 The first reserved matters application in respect of the matter of layout shall include a strategy setting out finished floor levels of all dwellings in relation to the 1 in 100 and 1 in 1,000 year flood levels. Unless the development is undertaken in accordance with any subsequently proposed alternative strategy first submitted to and agreed in writing, all subsequent reserved matters applications shall be in accordance with the agreed strategy.

Reason - To ensure that no properties are placed at risk from pluvial or fluvial flooding.

- 16 The first reserved matters application in respect of the matters of access or layout shall include a scheme of vehicular, cycle and pedestrian access connecting the application site to land to the east of the site, together with a timetable for its provision. The development shall be carried out in accordance with the approved details and timetable and the relevant route(s) shall thereafter be so maintained such that unfettered vehicular, cycle and pedestrian access on the route(s) through and up to the edge of the site is available at all times.

Reason - To ensure the opportunities for appropriate vehicular, cycle and pedestrian access (including for public transport vehicles) are maximised, and to ensure the proper planning of the site in conjunction with adjacent land.

- 17 Notwithstanding the submitted details, nor Condition 4 above, none of the dwellings hereby permitted shall be occupied until such time as the proposed Smisby Road access shown on drawing no. 004 Rev B has been provided with an effective minimum width of 6.75 metres for at least the first 20 metres behind the highway boundary, has 9 metres kerbed radii at its junction with the carriageway of Smisby Road, and has been surfaced in a hard bound material first submitted to and agreed in writing by the Local Planning Authority for a distance of at least 10 metres behind the highway boundary. Once provided, the access road shall thereafter be so maintained at all times.

Reason - To ensure that all vehicle turning movements at the junction can be safely accommodated and will not cause problems or dangers within the highway, to provide appropriate vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 18 Notwithstanding the submitted details, nor Condition 4 above, none of the dwellings hereby permitted shall be occupied until such time as a scheme of off-site highway works to Smisby Road (including a ghost island right turn lane, carriageway widening, the provision of a 3 metre wide footway across the site frontage and traffic calming measures) has been implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure a satisfactory form of development, in the interests of highway (including pedestrian) safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 19 No more than 75 dwellings shall be occupied within the site until such time as a scheme of improvements to the route of public footpath O80 (and including provision for pedestrian and cycle facilities as appropriate) has been implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to provide a transport choice / a choice in mode of travel to / from the site.

- 20 Notwithstanding the submitted details, none of the dwellings hereby permitted shall be occupied until such time as an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The submitted Travel Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied.

The Plan shall specify facilities and measures with measurable output and outcome targets designed to:

- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site;
 - Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel; and
 - Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.
- The Plan shall also specify:
- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator;
 - The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer;
 - The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets;
 - Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures; and
 - Procedures / timetables for regular monitoring and review and, where applicable, additional mitigation measures

The development shall thereafter be implemented and occupied in accordance with the agreed Travel Plan and timetables / measures.

Reason - To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility.

- 21 The Smisby Road vehicular access shown on drawing no. 004 Rev B shall not be brought into use until such time as drainage has been provided within the site such that surface water does not drain into the public highway.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 22 None of the dwellings hereby permitted shall be occupied until such time as the redundant existing vehicular crossings and the footway to Smisby Road have been reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of highway (including pedestrian) safety.

- 23 No development shall commence on the site until such time as a construction vehicle management plan, including wheel cleansing facilities and construction vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than 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 associated with the development does not lead to on-street parking problems in the area.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant both at the pre-application stage and during the application 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 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
- Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).

- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 Your attention is drawn to the attached report of Severn Trent Water.
- 4 Your attention is drawn to the attached report of the Environment Agency.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of the County Council's role as Lead Local Flood Authority.
- 6 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highway matters.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Rights

- of Way Officer. The applicant is advised to have regard to the issues raised when preparing any reserved matters scheme.
- 8 Your attention is drawn to the attached report of the National Forest Company. The applicant is advised to have regard to the issues raised when preparing any reserved matters scheme.
- 9 Your attention is drawn to the attached report of Natural England.
- 10 Your attention is drawn to the attached report of the District Council's Urban Designer. The applicant is advised to have regard to the issues raised when preparing any reserved matters scheme.
- 11 In terms of the details required to be agreed pursuant to Condition 5 above, the Local Planning Authority would encourage the applicant to maximise the opportunities for pedestrian and cycle linkages to adjacent residential development.