



Development Control Committee	Thursday, 22 November 2018	Matter for Information and Decision
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Report Title: **Application No. 18/00260/FUL - Land South, Newton Lane, Wigston, Leicestershire (Addendum)**

Report Author(s): **Richard Redford (Planning Control Team Leader)
Tony Boswell (Senior Planning Control Officer)**

Purpose of Report:	To provide Members with planning conditions and informatives in relation to the report pertaining to Planning Application No. 18/00260/FUL - Land South, Newton Lane, Wigston, Leicestershire.
Report Summary:	Planning conditions and informatives have now been suggested by Leicestershire County Council (LCC) after further discussion with the applicants. At the time of writing this addendum, certain aspects of the amended layout do not meet specific requirements of LCC's adoption criteria. Although the scheme as a whole is acceptable, there may yet be further minor or non-material amendments to the proposed highway layout as a result.
Recommendation(s):	That the proposed development be PERMITTED subject to: A. The planning conditions and informatives (as set out at paragraph 3 of the addendum and updated from those as recommended in the earlier published report); and B. A Deed of Variation to the original obligation made under section 106 of the Town and Country Planning Act 1990 (as set out at paragraph 4 of the addendum and in addition to those as recommended in the earlier published report); and that C. Delegated authority be given to the Head of Planning, Development and Regeneration to agree the final wording of the conditions and minor or non-material amendments to submitted drawings.
Responsible Strategic Director, Head of Service and Officer Contact(s):	Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk Richard Redford (Planning Control Team Leader) (0116) 257 2654 richard.redford@oadby-wigston.gov.uk Tony Boswell (Senior Planning Control Officer) (0116) 257 2710 tony.boswell@oadby-wigston.gov.uk
Corporate Priorities:	Not applicable.
Vision and Values:	Not applicable.
Report Implications:-	

Legal:	There are no significant implications arising from the addendum.
Financial:	There are no significant implications arising from the addendum.
Corporate Risk Management:	Not applicable.
Equalities and Equalities Assessment (EA):	There are no implications arising from this addendum. EA not applicable.
Human Rights:	There are no implications arising from this addendum.
Health and Safety:	There are no implications arising from this addendum.
Statutory Officers' Comments:-	
Head of Paid Service:	Not applicable.
Chief Finance Officer:	Not applicable.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	18/00260/FUL
Appendices:	None.

1. Introduction

- 1.1 Members will recall that this application was withdrawn from the previous meeting due to the absence of comment from Leicestershire County Council (LCC) as Highways Authority.
- 1.2 The following list of planning conditions and informatives have now been suggested by LCC, after further discussion with the applicants. At the time of writing this addendum, certain aspects of the amended layout do not meet specific requirements of LCC's adoption criteria. Although the scheme as a whole is acceptable, there may yet be further minor or non-material amendments to the proposed highway layout as a result.

2. Substantive Response by LCC as Highways Authority

- 2.1 *"The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 (NPPF), subject to the Conditions and Contributions as outlined in this report".*

3. Planning Conditions and Informatives

- 3.1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3.2 The development as hereby permitted shall be carried out in full compliance with the previously approved contaminated land assessment and remedial report as approved under condition 8 of the earlier outline planning permission numbered 13/00403/OUT, which

contained:

- Gas Protection Measures, prepared by GRM – 10th February 2015 (ref: P6697-GAL-1)
 - Phase II Site Appraisal, prepared by GRM – October 2014 (ref: GRM/P6697/F.1).
- And the measures thus approved shall be fully implemented.

Reason: In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of the National Planning Policy Framework.

- 3.3 If during the course of development, contamination not previously anticipated or previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of aims and objectives of the National Planning Policy Framework.

- 3.4 Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates (where applicable) to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration as recommended by the Environmental Health Manager and in accordance with the aims and objectives of aims and objectives of the National Planning Policy Framework.

- 3.5 Existing vegetation and hedgerows with the potential to accommodate birds shall only be managed or removed outside the bird breeding season (March to August), unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In accordance with Core Strategy Policy 14 and National Planning Policy Framework.

- 3.6 All created and retained wildlife habitats, hedgerows and landscape buffers, wetlands, wildflower grasslands and Local Wildlife Sites associated with the development should be managed and maintained in accordance with the Biodiversity Management Plan produced by FPCR (dated December 2014) previously approved under condition 12 of planning permission 13/00403/OUT.

Reason: In accordance with Core Strategy Policy 14 and National Planning Policy Framework.

- 3.7 No development shall take place until a revised Badger survey (with an associated mitigation strategy) has been submitted to and approved in writing by the Local Planning Authority. The submitted survey shall not be more than 2 years old at the time of the

commencement of site works for each parcel of the development and shall either provide measures to prevent access to the site by Badgers or new surveys shall be provided prior to the commencement of works to each parcel of the development . The approved mitigation measures shall be implemented in full.

Reason: In accordance with Core Strategy Policy 14 and National Planning Policy Framework.

- 3.8 Unless otherwise first agreed in writing by the Local Planning Authority the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 3 September 2013, reference Rev C, compiled by EWE Associates and the following mitigation measures detailed within the FRA:

- (1) There shall be no development located within areas shown to be at flood risk as identified on Drawing No. EWE/831/01 Rev. A: Feasibility - Modelled Flood Envelopes.
- (2) Provision of a 9 metre easement from the top bank of any watercourse.
- (3) Provision of safe access and egress routes for all parts of the site.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants, to provide an accessible easement for future maintenance of the watercourses, to mitigate against any localised flooding resulting from surface water runoff, and to ensure future residents are steered to the safe route outside of areas susceptible to flooding in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 9.

- 3.9 Prior to the commencement of each phase of development as confirmed in the phasing plan agreed under condition 4 of the earlier outline planning permission 13/00403/OUT, the ponds within that phase shall have been constructed in accordance with the relevant plans as hereby permitted.

Reason: This condition is necessary to ensure that the proposed ponds are developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. The National Planning Policy Framework also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

- 3.10 The improvements to the Newton Lane/Moat Street traffic signal controlled junction as detailed in the approved plans as previously approved under condition 25 of the previous planning permission 13/00403/OUT shall be implemented in full prior to first occupation of any residential dwellings as hereby permitted.

Reason: To ensure that the impact of the development on the highway network is mitigated and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 3.11 Prior to the first occupation of any of the residential development as hereby permitted full details of the improvements to the Wakes Road roundabout (which shall be in general accordance with Drawing 209711/WTD/SA/06/006) shall be submitted for approval by the Local Planning Authority and the approved details shall be implemented in full prior to the first occupation of any residential dwelling.

Reason: To ensure that the impact of the development on the highway network is mitigated and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 3.12 Prior to the first occupation of any of the residential development as hereby permitted full details of the shared pedestrian/cycleway on Newton Lane (which shall be in general accordance with Drawing 209711/WTD/SA/06/008 rev C) shall be submitted for approval by the Local Planning Authority and the approved details shall be implemented in full prior to the occupation of the 50th residential dwelling within the wider development as a whole.

Reason: To ensure that there is safe access to the site for non-vehicle users and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 3.13 Prior to the first occupation of the 150th dwelling as previously permitted under planning permission 13/00403/OUT or as hereby permitted, the full details of the proposed improvements at the Moat Street/Bushloe End/Long Street junction as previously approved under condition 28 of planning permission 13/00403/OUT shall have been fully implemented.

Reason: To ensure that the impact of the development on the highway network is mitigated and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 3.14 Improvements to the Station Road/Pullman Road junction as detailed in the plans previously approved under condition 29 of the previous planning permission 13/00403/OUT shall be implemented in full prior to occupation of the 114th residential dwelling’.

Reason: To ensure that the impact of the development on the highway network is mitigated and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 3.15 The internal road layout to the site shall provide bus access from Newton Lane to the southern boundary of the site to allow future provision of bus services to the wider area.

Reason: To ensure buses can access the site safely and the single point of access is adequately designed to have a reasonable likelihood of remaining open to traffic in the event of works on the highway and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 3.16 Prior to the first occupation of any of the residential development full details of a shared cycleway/footway from Foston Gate to the application site (and linking in with the road/cycleway/footway within the application site) shall be submitted for approval by the Local Planning Authority and the approved details shall be implemented in full prior to the occupation of the 114th residential dwelling.

Reason: To provide a high quality walking route along the shortest walking distance to existing bus stops from the new development and to encourage sustainable means of transport in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 3.17 The development shall be carried out in accordance with the approved construction traffic management plan (shown on drawing H5413/051/02 Rev A).

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 in accordance with the aims and objectives of Core Strategy Policy 4.

- 3.18 Unless otherwise first approved in writing (by means of a Non-material Amendment/Minor Material Amendment or a new Planning Permission) by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the approved plans and particulars listed in the schedule below.

(Documents list to follow following receipt of additional or amended drawings).

Reason: For the avoidance of doubt as to what is permitted by this permission and in the interests of proper planning.

- 3.19 No part of the development hereby permitted shall be first occupied until a Framework Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2018).

- 3.20 No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the private access drives with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2018).

- 3.21 Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2018).

- 3.22 Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmac, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2018).

- 3.23 Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards and thereafter shall be so

maintained.

Reason: To enable a vehicle to stand clear of the highway whilst the garage / car port doors are opened/closed, to protect the free and safe passage of traffic, including pedestrians, in the public highway, to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally and in accordance with the National Planning Policy Framework (2018).

- 3.24 The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Composite Planning Layout drawing number H5413/001/04 Rev K. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2018).

4. Additional Section 106 Obligations

- 4.1 To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.
- 4.1.1 Provision of a daytime bus service with a Monday to Saturday frequency of every 20 minutes to serve new bus stops within the development for a period of 5 years to ensure that sufficient levels of bus service(s) are available to accommodate the increased population in the area. To be provided prior to the occupation of the 339th dwelling on the site, at a cost of £150,000 per annum.
 - 4.1.2 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).
 - 4.1.3 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £380.00 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
 - 4.1.4 Improvements to 2 nearest bus stops on Foston Gate (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3,500.00 per stop.
 - 4.1.5 Information display cases at 2 nearest bus stops on Foston Gate; to inform new residents of the nearest bus services in the area. At £120 per display.
 - 4.1.6 Bus shelters at 2 nearest bus stops on Foston Gate; to provide high quality and attractive public transport facilities to encourage modal shift. At £5,000.00 per shelter.
 - 4.1.7 Contribution towards equipping the 2 nearest bus stops and suitable bus route 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. At a total of £5,500.00 per stop.

- 4.1.8 A monitoring fee of £11,337.00 for the Framework Travel Plan to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement.