



**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING STATEMENT**

**(INCORPORATING HEADS OF TERMS &**

**AFFORDABLE HOUSING STATEMENT)**

**TO ACCOMPANY A PLANNING**

**APPLICATION FOR:**

**OUTLINE PLANNING APPLICATION FOR UP TO  
165 DWELLINGS TOGETHER WITH ASSOCIATED  
INFRASTRUCTURE WITH ALL MATTERS  
RESERVED EXCEPT ACCESS.**

**SITE: LAND OFF CORK LANE**

**GLEN PARVA, LEICESTER**

**BY FRAMPTONS PLANNING**

**ON BEHALF OF:**

**MANOR OAK HOMES**

**FEBRUARY 2014**

**CHARTERED  
TOWN PLANNING  
CONSULTANTS**

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## 1.0 INTRODUCTION

### *The Application*

1.1 This Planning Statement has been prepared on behalf of Manor Oak Homes to accompany an Outline planning application for:

***“Outline planning application for up to 165 dwellings together with associated infrastructure and open space with all matters reserved except access”***

### *The Application Site*

1.2 The application site is in Glen Parva, which is a civil parish in Leicestershire with a population 6189 census dated 2011. It is located 4 miles south from Leicester City Centre, 12.5 miles northeast of Hinckley. The site is in Glen Parva CP Parish and the Saxondale Ward.

1.3 Glen Parva is a compact village straddling the A426 (Leicester Road) the southern edge of which is defined by the River Sence. North of Glen Parva is Aylestone, and to the east Eyres Monsell and South Wigston. The area is largely residential with local shops and the location benefits with Fosse Shopping Park located less than 10 minutes drive away.

- 1.4 The application site is located on the southern boundary of Glen Parva, with housing to the north and south, light industry and warehouses to the east of the site and open fields to the west. Appendix 1 is a site location plan. The site is a 10.55ha field off the southern end of Cork Lane, which is a minor local road connecting the site and adjacent housing to the A426 and to Blaby town centre approximately a mile to the south (via Leicester Road).
- 1.5 The site is currently used as pasture farm land used to graze cattle. The land is set within a network of hedges and bounded with public right of ways on the north and east, newly developed houses on the south boundary and open fields on the western boundary.
- 1.6 The site is bounded by rear gardens from Westdale Avenue with housing backing onto a pedestrian/vehicular access road to the northern boundary. On the southern boundary a relatively new development on Navigation Drive backs on the site. A public right of way bounds the eastern boundary, and undeveloped agricultural land and open fields on the remaining boundary/part boundaries.
- 1.7 The development of Navigation Drive is bound on the southern boundary by the Grand Union Canal. The residents gain on Navigation Drive have a bridge over the canal, as their only vehicular access route. They have additional pedestrian access via the public right of way on the eastern boundary of the site.
- 1.8 The application seeks outline planning permission for a residential development for up to 165 units with all matters reserved except access. Proposed access will come off the existing field access off Cork Lane, The indicative Master Plan has been

included as Appendix 2 for reference and shows in the intended location of the access.

***The development proposals***

1.9 The application which is outline with all matters reserved except access proposes up to 165 dwellings as a mix of both space, landscaping, indicative internal highways, and utility infrastructure. The proposed dwellings will incorporate a mix of house types from two to five bedroom homes, and will include 25% affordable dwellings to a mix to be agreed with Blaby District Council. Access for vehicles is achieved off Cork Lane. This is the only point of access proposed.

1.10 The layout contains three zones of public open space, through which would run cycle-friendly footpaths. These are the public open space on the west of the site, south of the site and as part of the sustainable water drainage strategy a wetland meadow. There would be the potential for a 'Local Equipped Area for Play' (LEAP) in the central part of the western public open space. The site is well linked into the surrounding road and footpath network. Existing public transport facilities exist in close proximity to the site and it is intended these will connect to the site to achieve good connectivity. The points of connectivity have been amended following discussions with officers at BDC to ensure they follow logical desire lines.

1.11 The provision of a surface water attenuation area will be incorporated into the scheme and these could be provided in the form a permanently wet feature set

within a mainly dry facility landscape feature. New open spaces and landscaping should be considered as providing opportunities to improve the overall quality of the local ecology and provide tangible benefits to levels of biodiversity.

### ***Key Features and benefits of the Proposed Developments***

1.12 The key features of the proposed developments are:

- The provision of up to 165 new homes.
- The provision of a balanced mix of housing types and sizes.
- The provision of affordable housing at 25%
- A development that has been designed to sit sympathetically with the topography
- The opportunity to attract new investment to Glen Parva
- The provision of a sustainable and accessible development.
- Improved pedestrian and cycle linkages in the vicinity of the site, which follow logical desire lines
- The retention and provision of high quality landscaping including SuDs.
- The creation of an attractive development creating suitable transition to the open countryside.
- The opportunity to enhance and connect to the work being promoted by Stepping Stones for strategic Green Infrastructure in the vicinity of the site
- The provision of a high quality public realm within the development.

- The provision of a design that is sympathetic to the amenity of existing residential dwellings and public realm
- A suitable density to meet the need to make good use of the land whilst still retaining a high quality design that is appropriate to the context.
- Re use of previously developed land.

1.13 The application is accompanied by, and is to be read in conjunction with the supporting documentation including;

- Master Plan (Produced by RG&P)
- Design & Access Statement (Produced by RG&P)
- Planning Statement (Produced by Framptons Planning)
- Ecological Assessment (Produced by First Environmental)
- Noise Assessment (Produced by REC Acoustics)
- Landscape Appraisal (Produced by First Environmental)
- Flood risk Assessment and drainage (Produced by JPP)
- Transport Assessment (Produced by JPP)
- Travel Plan (Produced by JPP)
- Air Quality Assessment (Produced by REC)
- Contamination Report (Produced by RSK Group)
- Statement of Community Involvement (Produced by Framptons)

- Tree Report (Produced by First Environmental)
- Services report (Produced by JPP)

## 2.0 PLANNING HISTORY

- 2.1 There is no recent planning history directly relating to this parcel of land. It has been in agricultural use for the recent past. Prior to this it was a landfill site associated with brickworks referred to locally as the Blaby Brickworks. The brickworks also compromised land to the south which has recently been developed by Bovis Homes. The landfill ceased use approximately 20 years ago.
- 2.2 The site is considered remediated in environmental terms although the previous use of landfill will continue to present a planning constraint which will need to be addressed to ensure delivery of any development on the site.



### 3.0 RELEVANT PLANNING POLICY CONSIDERATIONS

3.1 The starting point for the determination of this application is the provision of the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: -

*'If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts determination must be made in accordance with the plan unless material consideration indicates otherwise.'*

3.2 The Development Plan for the purposes of Section 38(6) comprises:

- The Blaby District Local Plan (Core Strategy) February 2013; and
- The “saved” policies of the Blaby District Local Plan 1999.

#### **The Blaby District Local Plan (Core Strategy) February 2013**

3.3 The Local Plan (Core Strategy) was adopted by Blaby District Council in February 2013 and replaced a number of the “saved” policies within the Blaby District Local Plan. As the Plan was adopted post the publication of the Framework, it is considered to be consistent with it.

- 3.4 The following Local Plan policies provide broad support for the proposed development:
- 3.5 Policy CS1 '**Strategy for locating new development**' states that "*most new development in the District of Blaby, including housing and employment, will take place within and adjoining the PUA of Leicester*". A minimum of 8,740 dwellings will be provided over the plan period (2006-2029), of which, at least 5,750 will be delivered within or adjoining the Principal Urban Area (PUA). Glen Parva is within the PUA and so is consistent with this policy.
- 3.6 Policy CS2 '**Design of new development**' seeks to ensure that all new development provides for a high quality environment that contributes to a better quality of life for the local community. As such, the Building for Life criteria will be used as a tool to encourage high quality design throughout the District. Details of how the proposed development achieves a high quality of design are set out within the Design and Access Statement, which accompanies this planning application.
- 3.7 Policy CS5 '**Housing Distribution**' builds upon the housing requirements set out within Policy CS1 breaking down the requirement on a settlement by settlement basis.

- 3.8 The Local Plan states that, subject to viability, the Council will seek to secure a minimum of 25% of the total number of dwellings as affordable housing on all developments of 15 or more (Policy CS7 ‘**Affordable Housing**’). It is proposed that this requirement will be met on site as part of the development.
- 3.9 Policy CS8 ‘**Mix of housing**’ also seeks to secure a range of house types and sizes. The development will provide for a range of dwellings, however, the exact make up will be determined as part of any reserved matters planning application.
- 3.10 Policy CS10 ‘**Transport Infrastructure**’ seeks to “*reduce the need to travel by private car by locating new development so that people can access services and facilities without reliance on ‘private motor vehicles’*”. The application site is located within Glen Parva between two existing residential estates, which is considered one of the most sustainable settlements in the District. Accordingly, the services and facilities which the settlement provides are within walking distance, therefore, allowing pedestrian and cycle access and reducing the dependence on car usage.
- 3.11 Policy CS12 ‘**Planning obligations and developer contributions**’ states that where “*requirements for infrastructure, services and facilities arising from growth are identified through robust research and evidence, it is expected that*

*developers will contribute toward their provision*". The Applicant is willing to enter discussions regarding Planning Obligations deemed necessary to make the development acceptable in planning terms. Heads of terms are outlined by section 5 of this statement.

- 3.12 Blaby District Council seeks to "*protect existing, and provide new, 'networks of multi-functional green spaces'*" (Policy CS14 '**Green Infrastructure**'). One such way this can be achieved is through formal open spaces for sport and recreation. The proposed development provides for improvements to the existing open space and intends to connect as far as possible with existing GI in the vicinity of the site.
- 3.13 Policy CS15 '**Open space, sport and recreation**' seeks to "*ensure that all residents have access to sufficient, high quality, **accessible open space**, sport and recreational facilities*" (my emphasis). One of the policy's strategic objectives is to "*maximise sport and recreational opportunities*".
- 3.14 Policy CS19 '**Bio-diversity and geo-diversity**' states that sites of ecological and geological importance of national, regional and local level significance will be safeguarded and enhanced. The application site will have not any impact on the sites identified within this policy.

- 3.15 Policy CS20 '**Historic environment and culture**' seeks to conserve heritage assets and the wider historic environment, which includes Scheduled Monuments, Conservation Areas and Listed Buildings. The proposed development is not considered to have any impact on the heritage assets identified within this policy.
- 3.16 The presumption on favour of sustainable development set out within the Framework is reflected in Policy CS24 '**Presumption in favour of sustainable development**'. The Policy states Blaby District Council will take a positive approach, seeking to approve development that *"improves the economic, social and environmental conditions in the area."*

#### **Blaby District Local Plan 1999**

- 3.17 Following the adoption of the Blaby District Local Plan in 1999 and the introduction of the Planning and Compulsory Purchase Act 2004, a number of policies were "saved". A number of these "saved" policies have since been superseded by the new Local Plan adopted in 2013; however, some of these remain extant.
- 3.18 It should be noted that these extant policies are out of date in light of the publication of the Framework, paragraphs 214 and 215 refer, therefore, they can

only be afforded “*due weight*” in the decision making process, irrespective of the five year land supply position.

3.19 The “saved” Blaby District Local Plan policies which are most pertinent to the determination of this planning application are considered below.

3.10 Policy R1 ‘**Primarily residential areas**’ sets out the key principles for development in these areas. The site is within the Primarily Residential Area.

Notwithstanding the above, the proposed development will:

- Not have an unsatisfactory relationship with nearby uses (namely residential and commercial) in terms of impact on occupiers of those uses or in terms of impact upon future occupiers of the proposed development;
- Be in keeping with the character and appearance of the residential development to the north of the site;
- Not result in the over development of the site;
- Be of a satisfactory layout, design and external appearance;
- Not prejudice any comprehensive development of a wider area;
- Not involve tandem development; and
- Not result in the extension of ribbon development.

3.21 Policy T3 sets out requirements for new development to provide appropriate access arrangements for vehicles, cyclists and pedestrians. Detailed access arrangements have been submitted as part of this planning application and it is considered that the criteria set out in this policy are satisfied by the arrangements for pedestrian and vehicle access, as shown on the Illustrative Masterplan.

### ***Other Material Policy Considerations - Supplementary Planning Documents***

#### ***Housing mix and affordable housing***

3.22 The housing mix and affordable housing SPD was adopted in 2013 and builds upon policies CS7 and CS8 of the adopted Local Plan. The aim of the document is to provide guidance on local policies and address local imbalances in affordable and market housing, whilst optimising the provision of affordable housing to meet local needs. The Applicant has had regard to this SPD as part of formulating the planning application.

#### ***Planning obligations and developer contributions***

3.23 The Planning Obligations and Developer Contributions SPD was adopted in 2010 and provides guidance to applicants. The Applicant has had regard to this SPD as part of formulating the planning application.

### ***Central Government Guidance***

3.24 In addition to the development plan policies set out above, the following national documents set out other material planning considerations relevant to the development proposed:

- The National Planning Policy Framework (March 2012) “The Framework”
- The Localism Act (which achieved Royal Assent on 15 November 2011);
- The Wildlife and Countryside Act 1981 (as amended);
- The Conservation of Habitats and Species Regulations 2010;
- The Natural Environment and Rural Communities Act 2006; and
- The Habitat Regulations 1994

3.25 The clear thrust of current Government policy is to promote economic development; this has been promoted in the Ministerial Statements “Planning for Growth”, “Positive Planning” and “Presumption in favour of Sustainable development” and forms a core principle of the National Planning Policy Framework.

3.26 A Ministerial statement titled “Housing and Growth” reiterates the need for housing in the UK “*The need for new homes is acute, and supply remains constrained*”. The need for housing is therefore a current priority and the



Government identifies that rented accommodation (which may form part of this development) can play a key role. *“The rented sector already provides good quality homes for many young people, professionals and families. But growth has been constrained by the lack of large scale investment”*. This site offers a clear opportunity to meet acute need and secure investment in a sustainable location and therefore conforms to Government policy.

3.27 Paragraphs 11-14 of The Framework deal with the presumption in favour of sustainable development, which is described as a golden thread at the heart of The Framework running through both plan making and decision making.

3.28 Paragraph 14 of The Framework states that at its heart *“is a presumption in favour of sustainable development....”* It goes on to state that for decision taking this means (unless material considerations indicate otherwise):

- *Approving development proposals that accord with the development plan without delay.*

3.29 Paragraph 15 of the Framework states that all plans should be based upon, and reflect, the presumption in favour of sustainable development, with clear policies that will guide how the presumption will be applied locally.

3.30 Paragraph 7 of the Framework states “There are three dimensions to sustainable development: i) economic, ii) social and iii) environmental”. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

3.31 The proposed development of this site represents an opportunity for sustainable development and will bring with it much needed housing. The proposed development is in accordance with the pro-growth agenda established through the

recent Ministerial Statements and is directly supported by the policies in the Framework.

- 3.32 Vince Cable's Ministerial Statement "Housing and Growth" (6th September 2012) stated

*"The Coalition Government's number one priority is to get the economy growing. We must create the conditions that support local economic growth and remove barriers that stop local businesses creating jobs and getting Britain building again".*

- 3.33 Further, the same Ministerial statement reiterates the need for housing in the UK *"The need for new homes is acute, and supply remains constrained"*. The need for housing is therefore a current priority and the Government identifies that rented accommodation (which may form part of this development) can play a key role. *"The rented sector already provides good quality homes for many young people, professionals and families. But growth has been constrained by the lack of large scale investment"*. This site offers a clear opportunity to meet acute need and secure investment in a sustainable location and therefore conforms to Government policy.

- 3.34 The Prime Minister David Cameron's speech to the CBI on Monday 19th November 2012 goes further to likening the current situation to Britain being in an economic war for which there is a need to throw everything we have got at winning the global race for growth.
- 3.35 To help achieve this economic growth the Framework suggests planning should do everything it can to support sustainable economic growth and should encourage not impeded growth. To help achieve economic growth The Framework advocates local authorities planning proactively to meet the development needs of business and to support an economy fit for the 21st Century. The site represents a clear opportunity for housing development provision which meet this objective.
- 3.36 The proposed development of this site represents an opportunity for sustainable development, the reasoned argument to support this will follow in the following sections of the report and will be a theme running through all the submission documents.

3.37 The Framework places significant weight on building a strong, competitive economy as outlined by paragraphs 18 to 21 which state:

*Para 18. "The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths and to meeting the twin challenges of global competition and of a low carbon future".*

*Para 19. "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".*

*Para 20. "To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century".*

*Para 21. "Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:*

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; Achieving sustainable development*
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- support existing business sectors, taking account of whether they are*

*expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*

- *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
- *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and*
- *facilitate flexible working practices such as the integration of residential and commercial uses within the same unit."*

3.38 The proposal as a whole is considered to accord with the social, economic and environmental requirements of Paragraph 7 of the Framework as will be examine further in section 4 of this statement.

## 4.0 PLANNING CONSIDERATIONS

### Introduction

4.1 It is considered that the key planning issues relate to:

- The Development Plan Context
  - The Development Plan Context – Blaby District Council
  - National Planning Policy and principles and requirement for sustainable development
- Design, Appearance, Sustainability and planning out crime
- Highway Infrastructure and Access considerations
- Drainage and Flood Risk
- Biodiversity and protected species
- Landscape considerations
- Heritage considerations including archaeology
- Environmental considerations including Ground condition; noise and vibration and air quality
- Impact on Neighboring properties
- Statement of Community Involvement (SCI)

### *The Development Plan Context*

4.2 The relevant policies applicable to this application have been listed in section 3 of this report. This section seeks to examine the most relevant policies and how they relate to the proposal.

4.3 A key question at this point is consideration of whether or not the proposal accords with the Development Plan as a whole taking into account the judgment of *R v Rochdale MBC ex p Milne* (2001). This case relates to instances of Development Plans often containing exceptions, qualifications, overlapping, or even contradictory policies on issues on which a value judgment has to be made. In commenting on this issue the Justice Sullivan stated:

*“It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies, which for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases there is no clear cut answer to the question: is the proposal in accordance with the plan? The LPA has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach”* The following section will examine the compliance of the proposal against the development plan as a whole in terms of the principle of development.



4.4 The development plan for the purposes of the proposal the subject of this application constitutes:

- The Local Plan (Core Strategy); and
- The “saved” policies of the Blaby District Local Plan.

4.5 The vision for the Core Strategy reflects many of the aspirations of the Community Plan. Specifically in relation to housing it states:

*“Housing will be provided to meet the needs of the current and future communities of Blaby District. The mix of housing will better reflect the needs of the population of the District including an appropriate balance of house types, sizes and tenures and there will be greater provision of affordable homes to meet identified needs”.*

4.6 The CS housing strategy seeks to deliver the majority of the housing needs to the Principal Urban Area (PUA) which includes the settlement of Glen Parva and this site. Paragraph 6.6. of the adopted Core Strategy identifies that at least 5750 dwellings will be delivered in the PUA of which a circa 4250 dwellings should be delivered in a new Sustainable Urban Extension (SUE). The justification for this approach is to direct housing development to sustainable locations and to maximise self-containment. Therefore only sites which afford access to facilities

and that can demonstrate they are sustainable should be pursued under policy CS1 of the CS.

4.7 In terms of need Paragraph 7.5.7 of the CS identifies that of the 5750 dwellings that need delivery to date the Council has 1309 completed or committed dwellings. This leaves a residual requirement of 4441 dwellings of which the 165 dwellings being promoted by this consultation could help deliver.

4.8 In planning principle terms the site is suitable for residential development subject to the proposals meeting the design and other development control related policies of the development plan that were previously listed and examined in section 3 of this statement and which concluded the scheme constitutes good design and will not adversely impact on the environment.

#### ***National Policy – Requirement for Sustainable Development***

4.9 In addition to the points made in section 3 of this statement concerning the national planning policy position, the National Planning Policy Framework states in Paragraph 7 that *“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.*

4.10 It is considered that the proposal meets the dimensions of sustainable development and delivers a sustainable development in the following ways:

- **Economic Role:** The proposal contributes to the building of a strong responsive and competitive economy by providing residential development on land which is identified in the most recent policy documents. This application provides a mechanism for ensuring the right land is available at the right time which is now. To delay the granting of planning permission would frustrate the principle of supporting growth and innovation.
- **Social Role:** The proposal will result in a high quality built environment which will provide residential accommodation in an accessible location. This will assist the settlement of Glen Parva contributing towards the shortage of housing in the locality. The development will contribute toward improvements to local facilities such as schools, libraries, play facilities and sports facilities which are social gains to the locality.
- **Environmental Role:** The scheme will contribute to the enhancement of the natural and built environment. The proposal will be a high quality design, the scheme will provide increased opportunities for biodiversity in by integrating landscaped areas including, which will be an improvement on the current situation. Subject to conditions concerning noise, air quality, construction strategy, contamination and the contributions

outlined in the developer contributions section the scheme will enhance the site in environmental terms.

- 4.11 In summary, the development in principle is clearly a sustainable development for which there is a clear presumption in favour of subject to satisfying the other material considerations which will now be examined.

***Design, appearance and sustainability***

- 4.12 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (Framework paragraph 56).
- 4.13 Paragraph 17 states, inter alia, that in decision-taking the planning system should '*always seek to secure high quality design*'. The design and layout of the proposed residential development are reserved matters that remain to be determined subsequent to the grant of outline permission. In so far as the Applicant can address this issue an indicative development master plan and a Design and Access Statement have been prepared to demonstrate how the proposal will achieve a high quality of housing and employment provision.

4.14 The indicative development master plan (Appendix 3) demonstrates a mix of houses. The Design and Access Statement provides significant detail concerning this consideration. The layout has been prepared having regard to the analysis of the surrounding context and seeks to reflect the prevailing character of development in the vicinity of the site.

4.15 The Framework at paragraphs 56 to 68 seeks to encourage good design – ‘good design is indivisible from good planning’. The development proposal has been designed in context with its surroundings and it is considered a reflection of the care and attention to design that the proposed layout is as it is shown. It is submitted that the proposal functions well and adds to the overall quality of the area, not just for the short term but over the lifetime of the development (paragraph 58).

4.16 Furthermore it is submitted that the development proposal accords with the principle land-use planning principles of: -

- Take account of the different roles and character of different areas;
- Always seek to secure high quality design and a good standard of amenity for all;
- Contribute to conserving and enhancing the natural environment; and
- Actively manage patterns of growth.

- 4.17 It is submitted that the development contributes positively to making places better for people and takes the opportunities available for improving the character and quality of the area. Furthermore, the proposed development will deliver family accommodation.

*Ensuring development achieves a good mix of housing and widens opportunities for home ownership (Paragraph 50 of the Framework)*

- 4.18 The issue of dwelling mix will be an issue that is principally concerned with matters of detail that will remain to be addressed by a subsequent reserve matters application once outline planning permission has been granted. Notwithstanding this, the accompanying indicative master plan demonstrates how up to 165 dwellings could reasonably be accommodated on-site. In addition the LPA have commented and informed the suggested mix through the pre-application process.
- 4.19 The design of the proposed development is seen to accord with the design policies of the Development Plan. In its current form the proposals makes a positive contribution to the street scene and the wider area by reason of showing strong road frontages. The scale and density are seen to make an efficient use of the land, whilst at the same time preserving the amenities of neighboring residential properties and the character of the nearby open countryside.

4.20 The proposals have been designed with regard to the following guidance: ‘*Safer Places – the Planning System and Crime Prevention*’ ODPM and the Home Office which is reiterated in paragraph 58 of the Framework. Principles of ‘Secured by Design’. Seven attributes of designing out crime are outlined in ‘*Safer Places – The planning System and Crime Prevention*’.

#### ***Highways Infrastructure; Access and parking***

4.21 The accompanying Transport Assessment (TA) considers in detail the implications of the proposed development and concludes that the proposals would not prejudice highway safety or have any detrimental impact upon the surrounding highway network. It is considered that the proposals would be in accordance with the provisions of the Development Plan and the transportation guidance contained in the Framework.

4.22 The TA prepared by JPP provides extensive assessment of the available vehicular capacity on the road network in the vicinity of the site and other key junctions identified by the local Highway Authority was undertaken in order to establish the potential impact and its magnitude)–resulting from the proposed residential

scheme. It concludes suitable and safe access can be achieved and the level of development will not result in a severe impact.

- 4.23 On the basis of the above, it is concluded that the development is acceptable from a transport and accessibility perspective. Notwithstanding this the applicant is willing to contribute towards public transport improvements in the vicinity of the site and make a contribution to enhanced sustainable transport where such contributions are necessary to facilitate the development.

#### ***Drainage and Flood Risk***

- 4.24 The application is supported by a Flood Risk Assessment (FRA), which considers the site to be located within Flood Zone 1, as defined by the Environment Agency's Flood Map.

- 4.25 Flood Zone 1 is defined as being a low flood risk zone with the likelihood of flooding being less than 1 in 1,000 years or 0.1%. The drainage for the site will be designed in line with current legislation:

- Building Regulations Part H
- Sewers for Adoption 7th Addition
- Code for Sustainable Homes



- National Planning Policy Framework

- 4.26 Sustainable Urban Drainage Systems (SUDS) will be utilised including a detention basin feature which will be incorporated into the drainage design to provide temporary surface water storm attenuation during rainfall events which will allow water to be attenuated to greenfield runoff rates.
- 4.27 It is considered that the proposal accords with the principles of paragraphs 100 to 104 of the Framework and would not give rise to any drainage or flood risk concerns subject to the imposition of appropriate planning condition which requires the submission of the final drainage details in conjunction with the final layout form prior to the commencement of the development..

### ***Biodiversity and Protected Species***

- 4.28 The application is submitted with an accompanying Extended Phase One Habitat assessment. This assessment concludes that the site supported little habitat that was considered to be of value to wildlife.
- 4.29 The hedgerows and scrub areas around the boundaries of the site provided potential breeding and foraging cover for common birds, although only a single old nest was found within the derelict building in the northeastern corner of the

site. Most of the trees within the hedgerows and mature scrub on site were noted to be in good condition and displayed no features that may be suitable for use by bats as roosting and/or hibernation places, whilst the derelict building situated in the northeastern corner of the site was considered highly unsuitable for bat occupation.

- 4.30 The report recommends some mitigation as follows: If any tree or shrub/hedge removal cannot be timed appropriately to avoid the bird nesting period (considered to be March to August inclusive), then further surveys of the ground, trees and/or shrubs to be cleared or removed will be necessary.
- 4.31 The site itself was concluded to be of potential value to roosting, foraging and/or commuting bats, and as such, it is recommended that bat activity surveys are carried out in summer 2014 to establish the level of bat use of the site. At least three surveys should be undertaken between June and August, with a minimum of two surveyors present.
- 4.32 As the proposed water detention basin will be located in close proximity to a potential Badger sett, a Badger survey should be to enable the potential impacts of the proposed development to be fully assessed. Badger surveys can be undertaken at any time of the year, with April and May optimum periods.

### *Landscape*

4.33 The site is located in a prominent location given its topography however significant care has been taken to ensure the landscape impact is acceptable and results in a high quality development. The application is accompanied by a series of plans, landscape assessments and photos which assess the existing character of the site and have informed the design. Paragraph 6.19 states that the CS will continue to protect established Green Wedges and Green Infrastructure and that the Council will seek to work with the 'Stepping Stones' project which operates in the District. The applicant's landscape consultants have worked with Stepping Stones at pre-application stage and will continue to work with the organisation.

4.34 The planting proposals indicatively shown with the master plan show a logical solution which use native species and in particular species which complement the constraints of the site such as sloping ground, which will ensure a high quality and desirable residential environment for the development and soften the impact of the proposed urban form on the important transition from the built up area into the open countryside.

### *Heritage Impact*

4.35 The application site is not subject to any form of heritage designation and there are no listed buildings, scheduled ancient monuments, or World Heritage sites in the vicinity of the site. There is therefore no impact on any heritage asset with the development.

### *Archaeology*

4.36 Paragraph 128 of the Framework requires applicants for planning permission to describe the significance of any heritage assets affected by the development including archaeology. In this instance the site is a former landfill site that has been in-filled and capped. It is considered that any archaeological interest present on the site will have been lost many years ago.

### *Ground conditions*

4.37 The status of the site as a former landfill site makes the ground conditions a key material planning consideration. The application has therefore been submitted with a comprehensive assessment of contamination and ground conditions produced by RSK.

4.38 The report considers many relevant aspects of contamination and ground conditions including presence of gas; presence of potentially harmful contaminants; impact on ground stability; implications for construction technics; harm to human health for residents post completion; impact on water quality; impact on adjacent developments (such as the Bovis site to the south); and other relevant environmental considerations.

4.39 The report concludes that the site can be developed in an appropriate manner despite it being former landfill; the use of appropriate foundation design will enable a structurally sound build and the development will not pose harm to human health either on site or adjacent to it.

#### *Environmental considerations*

4.40 The application is supported by standalone assessments of noise and vibration and air quality.

#### *Noise*

4.41 The assessment provided has been undertaken to identify key noise sources in the vicinity of the Site which may have the potential to impact upon the proposed noise-sensitive residential development.

- 4.42 The key source of noise impacting upon the Site is commercial noise from units to the east of the Site. Accordingly, appropriate consideration has been given towards the mitigation measures required to ensure a commensurate level of protection against noise for future occupants. Noise is also audible from the distant M1 to the west and the Birmingham New Street to Leicester Railway Line to the south.
- 4.43 This Noise Impact Assessment has recommended the use of acoustic fences for certain dwellings in order to control noise levels within garden areas. In the interests of controlling noise within habitable rooms whilst gaining a supply of fresh air, this assessment has recommended the use of an alternative ventilation system for the dwellings which have direct line of sight to the units to the east, the M1 to the west and the railway line to the south.
- 4.44 It should be noted that all of the calculations performed in the noise assessment are based on worst-case assumptions and so the actual level of noise within external amenity areas and internal habitable rooms is likely to be lower than the calculated noise levels.

- 4.45 Subject to the incorporation of the identified mitigation measures, it is anticipated that a commensurate level of protection would be incorporated into the scheme for residential development.

### *Air Quality*

- 4.46 The development has the potential to cause air quality impacts at sensitive locations. These may include fugitive dust emissions from construction works and road vehicle exhaust emissions associated with traffic generated by the proposals. As such, an Air Quality Assessment was required in order to determine baseline conditions at the site, consider location suitability for the proposed end-use and quantify potential impacts associated with the development.
- 4.47 Baseline air quality conditions were defined and potential impacts identified and assessed, as appropriate. During the construction phase of the development there is potential for air quality impacts as a result of fugitive dust emissions from the site. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be negligible.
- 4.48 Potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to

and from the site. An assessment was therefore undertaken both with and without the proposals. Predicted concentrations were verified against monitoring results from BDC.

4.49 The dispersion modelling indicated that there were no exceedences of the annual mean AQLV for NO<sub>2</sub> or PM<sub>10</sub> across the site. As such, the location is considered suitable for residential use.

4.50 The overall significance of potential impacts was determined to be negligible in accordance with EPUK guidance. Based on the assessment results, air quality issues are not considered a constraint to planning consent for the proposed development.

#### **Impact on neighboring properties**

4.51 The indicative layout demonstrates appropriate separation between the application site to the existing properties to the north and south of the site. The proposals show increased landscaping as a more substantial buffer between the site and the residential properties. The indicative layout would not cause any harm to the amenities of neighbouring properties by virtue of the separation distances achieved. In addition a number of the buildings to the northern boundary of the site have specifically been orientated to make sure the buildings are bungalows; garages or the



gable end of buildings. This will prevent loss of daylight or overlooking. Issues impacting on amenity such as overlooking or loss of daylight would however be matters for the detailed application stage when the precise scale, siting, landscaping and position of windows are known and can be assessed.

### **Statement of Community Involvement**

4.52 As demonstrated in the submitted SCI the application has been submitted following extensive engagement with local residents, stakeholders and following pre-application discussions with officers of Blaby District Council and Leicestershire Country Council.

4.53 The public engagement process was to provide local residents with an early opportunity to view the development proposals and to make any comments on the content of the proposals. 185 interested parties attended the exhibition event with 65 of these making representations.

4.54 The main concerns identified included the principle of construction on a former landfill site; the traffic generation and perceived congestion locally; and the capacity of the local primary school.

4.55 A number of the comments received have assisted greatly with shaping the development. For example local concern relating to the traffic issue identified additional testing to ensure the results reflected the context and were consequently robust.

4.56 It is considered that the processes to engage the community concerning this site have met with best practice guidelines by offering the opportunity for local engagement and that the feedback provided has helped shape the scheme to more accurately reflect the local context as outlined in the SCI. It is considered that scheme as submitted has addressed the concerns of local residents and should be supported.

**5.0 DRAFT HEADS OF TERMS FOR PLANNING OBLIGATION ENTERED  
INTO UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING  
ACT 1990**

5.1 In accordance with Part 11, Section 122 of the Community Infrastructure Levy Regulations 2010 a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is: -

- i) Necessary to make the development acceptable in planning terms;*
- ii) Directly relates to the development; and*
- iii) Fairly and reasonably relates in scale and kind to the development.*

5.2 Circular 05/2005 at paragraph B5 sets out the Secretary of State's policy for planning obligations and states that 'these tests must be met by all local planning authorities in seeking planning obligations'. The onus is therefore on the local planning authority in seeking obligations to demonstrate that whatever is sought meets these tests.

**Affordable Housing**

5.2 The applicant is willing to deliver up to 25% affordable housing on-site in accordance with the local planning policy requirement (Policies CS7 and CS8 of

the 2013 Core Strategy). The affordable housing will be provided with a tenure split Social Rent 40%; Affordable Rent 40%; Intermediate Products (e.g. Shared Ownership) 20% as identified in Policy 7 of the Council's adopted SPD.

### **Open Space**

5.3 The Applicant is willing to provide on-site open space in accordance with the local planning policy requirements as demonstrated indicatively on the submitted master plan. The future management of the on-site public open space will be offered to the Glen Parva Parish Council or failing that to a suitable management company the details of which will be agreed through the application process.

### **Transport and Access**

5.4 The Applicant will enter an obligation to pay an appropriate financial contribution to mitigate the impact of the development on the site and its immediate surroundings.

### **Education**

5.5 The Applicant will enter an obligation to pay reasonable contributions to improve primary, secondary and special education needs facilities to address any impact that this development may have on maximum capacities of schools serving the

proposed development. The planning obligation will have to be worded in a formulaic way because the application is made in outline and the precise number of units is a matter reserved for subsequent approval.

### **Health care**

The Applicant is willing to agree to an appropriate financial contribution based on reasonable demand generated by from the proposed development. The planning obligation will have to be worded in a formulaic way because the application is made in outline and the precise number of units is a matter reserved for subsequent approval

### **Libraries**

5.6 The Applicant is willing to agree to an appropriate financial contribution based on reasonable demand generated by from the proposed development. The planning obligation will have to be worded in a formulaic way because the application is made in outline and the precise number of units is a matter reserved for subsequent approval.

### **Waste and Recycling**

The Applicant is willing to agree to an appropriate financial contribution based on reasonable demand generated by from the proposed development. The planning obligation will have to be worded in a formulaic way because the application is made in outline and the precise number of units is a matter reserved for subsequent approval

### **Legal and Administration Costs**

5.6 The Applicant is willing to pay the reasonable costs of Blaby District Council and Leicestershire County Council to produce the legal agreement. Such costs should be set out and agreed in advance.

## 6.0 CONCLUSIONS

6.1 In summary, it is submitted that: -

6.2 The CS housing strategy seeks to deliver the majority of the housing needs to the Principal Urban Area (PUA) which includes the settlement of Glen Parva. The site is therefore located in a suitable location. Review of the relevant policy content indicates there are no policies seeking to prevent development in this location provided it constitutes sustainable development and accordance with the design and development control policies of the Core Strategy and saved Local Plan is achieved.

6.3 In terms of need Paragraph 7.5.7 of the CS identifies that of the 5750 dwellings that need delivery to date the Council has 1309 completed or committed dwellings. Whilst this may have increased with the recent permitting of the Lubbesthorpe SUE there is still a residual requirement for the District of which the 165 dwellings being promoted by this application could help deliver.

6.4 It is submitted that the planning advantage in the overall public interest lies firmly in favour of the delivery of 165 houses, which is consistent with the adopted local plan – not only to meet accommodation needs – but in doing so to achieve economic activity and the provision of associated jobs.

- 6.5 The site is a former landfill site but the work undertaken by RSK demonstrates that this need not be a barrier to the site being developed. Subject to conditions as outlined in the accompanying report on ground conditions the principle of construction on the site is considered satisfactory.
- 6.6 The application is submitted with a series of appropriate documents which examine the environmental impacts of the proposal and address the specific environmental concerns of the LPA. Blaby District Council have assessed the impact and have concluded the development is not development requiring the submission of an Environmental Statement (EIA Development).
- 6.7 The application is submitted with a detailed assessment of the traffic impact of 165 new dwellings on the local road network. The applicant has listened to the concerns raised by local residents at the community consultation event and has commissioned further work to assess this perceived problem. The conclusion of the accompanying TA indicates that there is sufficient capacity in the local road network and that the junctions that will access the site have sufficient visibility and capacity to not result in a severe highways impact which is the key test of Paragraph 32 of the Framework.
- 6.8 The conclusions of the environmental reports submitted with the application demonstrate there will be no severe impacts in relation to noise, vibration and air quality. The impact on the locality during construction and post occupation can be conditioned to ensure the impact on neighbouring residential amenity is safeguarded.



6.9 The site is located in a prominent location given its topography and is a transitional site to the open countryside however significant care has been taken to ensure the landscape impact is acceptable and results in a high quality development. The planting proposals indicatively shown with the master plan show a logical solution which will complement the development and soften the impact of the urban form on the transition from the built up area into the open countryside.

6.10 The application proposed a well-designed scheme that provides enhanced access to open space to the western edge of the site. Paragraph 6.19 states that the CS will continue to protect established Green Wedges and Green Infrastructure and that the Council will seek to work with the 'Stepping Stones' project which operates in the District. The applicant's landscape consultants have worked with Stepping Stones at pre-application stage and will continue to work with the organisation. This constitutes an opportunity for the land subject to this consultation as it adjoins an existing Green Wedge and could link to it.

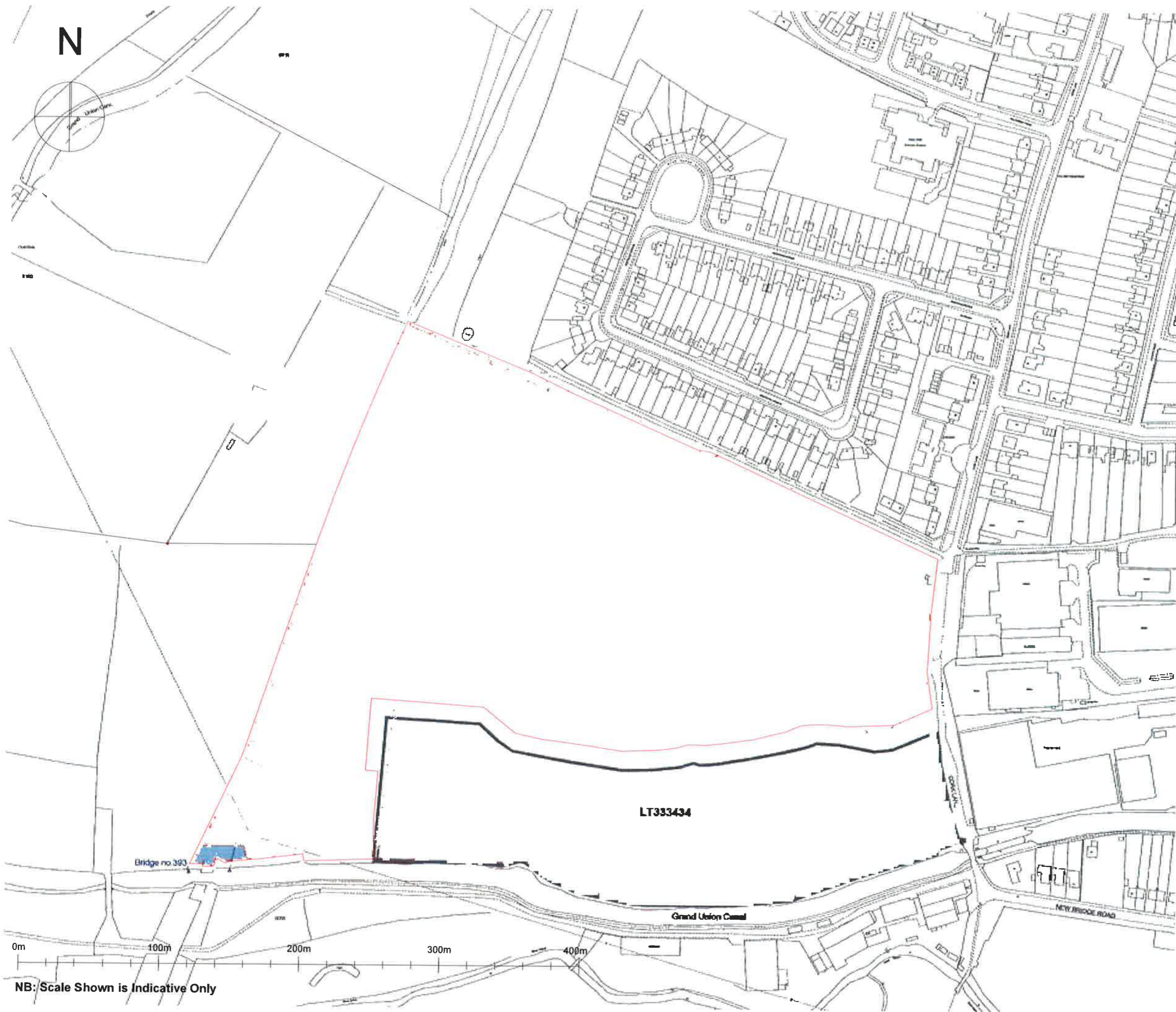
6.11 The housing and associated investment the development will bring is needed at present and the scheme is deliverable. It would be inappropriate to delay the allocation coming forward at this time as this would potentially jeopardize delivery and risk the town losing the clear benefits of the proposal at a time when housing and construction jobs are needed to stimulate the economic recovery.

6.12 The outline scheme for 165 units has been assessed against current planning policy and those material considerations identified by the Council at pre-application stage and is considered to constitute sustainable development for which there is a clear presumption on favour of. The application should therefore be supported.

**Framptons**

**February 2014**

**APPENDIX 1**  
**Site Location Plan**



Revision: \_\_\_\_\_ Date: \_\_\_\_\_  
 A Site ownership red line modified sa 12.02.2014



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Project: Residential Development  
 Cork Lane, Glen Pava  
 Client: Manor Oak Homes  
 Sheet title: Site Location Plan  
 Ref: 7779 / 002 A  
 Scale: 1:2500 @ A3  
 Date: 25/09/13  
 Drawn: SA Checked: RAW

NB: Scale Shown is Indicative Only

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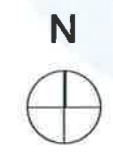
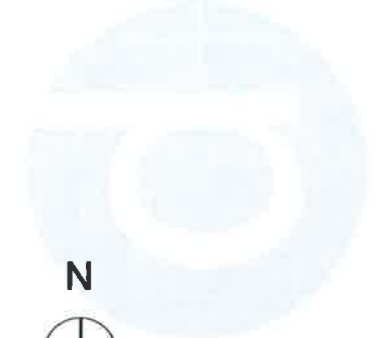
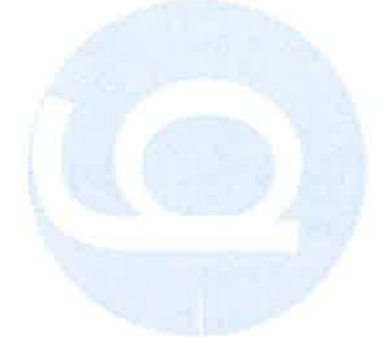
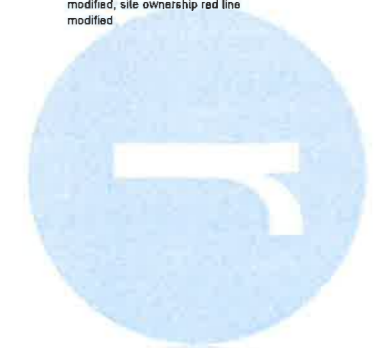
**APPENDIX 2**  
**Indicative Master Plan**



Site Area = 10.55 ha  
 Development Area = 6.09 ha  
 POS & Area of Natural Open Space = 4.46 ha

Total Number of Dwellings = 165 units  
 Site Density = 27 p/ha

Revision	Date
A	11.10.13
B	17.10.13
C	26.02.14

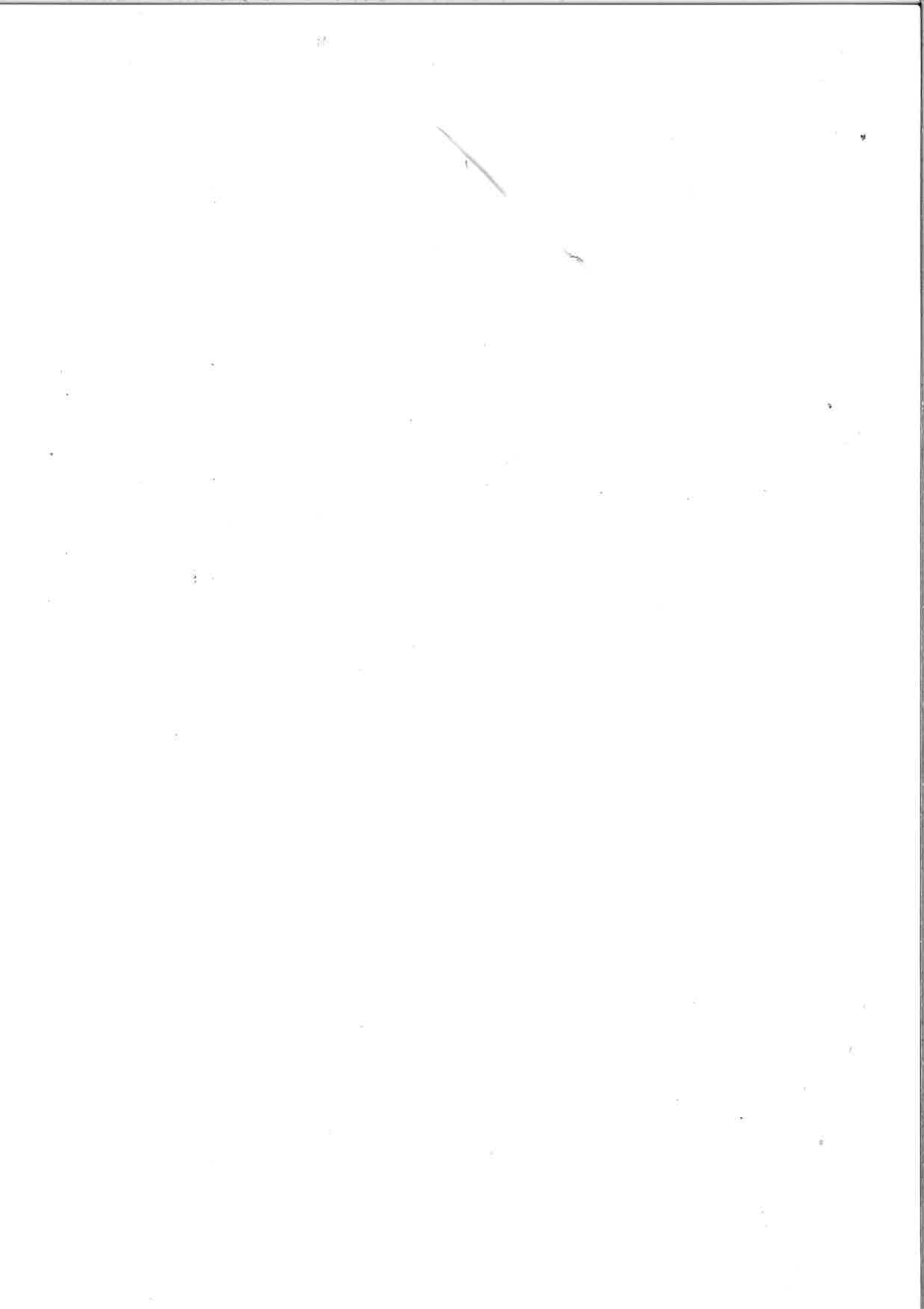


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Project	Residential Development Cork Lane, Glen Pava
Client	Manor Oak Homes
Sheet title	Proposed Masterplan
Ref	7779 / 005 C
Scale	1:1000 @ A1
Date	27/09/13
Drawn	SA
Checked	RAW

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