

## For Plans Committee – 20<sup>th</sup> October 2022

### Additional items received since the reports were drafted.

Pages 7 - 49

Site Address: 102 Main Street, Cossington,  
Leicestershire

#### Item No. 2

P.A. No. P/21/1446/2

Since the publication of Plans Committee report, there has been further correspondence with the Highway Authority in relation to the provision of sustainable transport options, as requested by Members at the meeting.

In response, the Local Highway Authority has provided further information about Demand Responsive Transport and additional scheduled bus services.

#### Issue 1: Demand Responsive Transport

The Highway Authority explain that this type of service would need to be provided under contract to Leicestershire County Council, based on the needs of the development and in line with a financial contribution secured by a S106 legal agreement. Demand Responsive Transport services are usually operated by a local taxi company and the service needs to be booked prior to travel and will not operate if no bookings have been made. Invoices are sent on a monthly basis by the firm, based on evidence of usage. Residents would need to pay to use it, but fares are set on a similar basis to bus fares and concessionary passes would be accepted. Any outstanding funds from the contribution would be refunded to the developers at the end of the 5 year period.

The Local Highway Authority suggests a service could potentially operate Monday to Saturday offering one return journey to Rothley, allowing onward connections to other destinations (currently via the Arriva 127). They advise this would cost in the region of £50k+ per year for a 5 year period. However, the Local Highway Authority remains steadfast in its view that a contribution towards Demand Responsive Transport is not necessary to make the development acceptable in highway terms and they will not support a reason for refusal based on its absence.

#### Officer response to issue 1:

Responsibility for deciding whether contributions satisfy the Community Infrastructure Levy Regulations lies with the Local Planning Authority. Planning Obligations ('developer contributions') can only be sought if they meet the statutory tests laid out by Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the policy tests in the National Planning Policy Framework. They must be:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

As set out in the Plans Committee report, application of the Council's methodology for assessing the sustainability of settlements in terms of suitability for residential development results in Cossington being regarded as sustainable, due to the range and proximity of facilities in the locality (See agenda pages 7 and 8). In the Council's own evidence, the sustainability of Cossington is not dependent upon the presence or availability of a bus service. Therefore, the provision of Demand Responsive Transport cannot be said to be required in order to make the development acceptable in planning terms and the first statutory test of Regulation 122 of 'necessity' is not met. It is notable that the Local Highway Authority share the view the service is not necessary.

## **Issue 2: Bus Service Enhancement**

The Local Highway Authority advise that extending the Kinchbus No.2 service would require adding another bus in to the timetable, which would cost in the region of £200,000 per annum. They suggest that this is neither reasonable nor related in scale to the proposed development and they will not support a reason for refusal based on its absence.

### **Officer response to issue 2:**

It is considered that the same shortcoming regarding compliance with the first test of Regulation 122 is applicable to that addressed under 'issue 1' above, for the same reasons.

In addition, the scale of the contribution is such that it is considered neither fairly or reasonably related in scale to the development and it therefore, additionally, fails the third test of the CIL Regulations.

## **Issue 3 – new information provided by Applicant**

### Alternative Bus Service Option

The Local Planning Authority has been made aware of an alternative bus service for residents of Cossington to use. The Centrebus service No.27 operates between Loughborough and Thurmaston and runs along Syston Road, with the nearest stop located outside of Goscote Nurseries to the west of the site. The service operates each weekday to facilitate a return journey to Loughborough for commuters. The bus stop is an approximately 10 minute walk from the site and is within the 400m distance set out in policy CS17 of the Core Strategy. The service is operated by Centrebus on behalf of Leicestershire County Council and there are currently no plans to change or remove it.

### Other Sustainable Travel Options

Further correspondence has been received from the applicant to confirm that the location of the site is within proximity to the pedestrian/cycle Route 1. This route provides access to Syston and Thurmaston and could encourage cycle usage to the principal urban area, as the majority of the route is separated from the Highway.

### **Officer Response to Issue 3**

It is considered that the availability of Service No.27 for the residents of the development and wider village is a benefit as it provides an alternative albeit limited transport option. The location of the bus stop in relation to the site also ensures compliance with the relevant part of policy CS17. The proximity to a safe cycle route to the Syston and Thurmaston PUA is also considered to be a benefit to the residents and will encourage alternative sustainable transport options. These transport options are considered to have some limited positive weight in the planning balance.

#### **Recommendation:**

**No change to the recommendation as set out in the agenda report.**

**Item No. 2**

**P.A. No.** P/21/2131/2

Since the publication of Plans Committee report, there has been further correspondence received from the agent in relation to planning conditions and on-site open space obligations for S.106 Legal Agreement.

**Issue 1**

Condition 2 (Approved plans/details) refers to the development being '*carried out in accordance with*' the Illustrative Masterplan and Tree Planting Design Code. These are illustrative only to set out the principles for the subsequent reserved matters application. The wording needs to be more appropriate to reflect previous permission at Peashill Farm (Phase 1) consent ref P/17/1578/2 and amended to include '*in accordance with the principles set out...*'.

Also, that Condition 7 (Landscaping) includes Tree Design Code and the agent for the applicant sees no reason as to why the Tree Planting Design Code is listed under Condition 2 (Approved plans/details).

**Officer response to issue 1:**

The Tree Planting Design Code has been included within Condition 2 (Approved plans/ details) in order to achieve desired outcome in relation to street tree and open space tree planting and to ensure adequate space is provided for high and medium canopy tree species within the proposed development site. Condition 7 (Landscaping) seeks to ensure implementation of a landscaping scheme that considers mitigations in the form of Tree Planting Design Code.

It is accepted that the masterplan is illustrative and should not be binding. Condition 2 (Approved plans/details) is therefore proposed to be modified to make clear the separation between the Illustrative Masterplan from other details and to add in reference to the Red Line Boundary, thus:

Condition 2 (Amended wording)

*The development hereby permitted shall be carried out in accordance with the following approved plans and details:*

- *edp4307\_d002g (Red Line Boundary)*
- *Tree Planting Design Code – August 2022*
- *32210055-5513-001 Rev. A (Access from Phase 1 Spine Road)*

*The development hereby permitted shall be carried out in accordance with the principles set out on the indicative masterplan on drawing number edp4729\_d028f (Illustrative Masterplan) dated 15 September 2021*

*REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPD and the NPPF.*

## **Issue 2**

The agent highlights that there is inconsistency in the wording of Condition 6 (Open space) on page 89 of Plans Committee report in relation to on-site open space elements and the requirements as set out within Planning obligations/S.106 and Recommendation A on page 84 & 87 of Plans Committee report. The on-site open space requirements are also duplicated within Condition 6 (Open space) and Planning obligation/S.106 Agreement and Recommendation A of Plans Committee report and needs to be either a condition or part of S.106 Agreement as opposed to both.

### **Officer response to issue 2:**

It is recommended that Planning Obligation/S.106 Agreement and Recommendation A on pages 84 and 87 of Plans Committee report are amended to remove the requirements of any on-site open space figures as planning obligations as these would form part of Condition 6 (Open space) and of any future reserved matters application. This is considered sufficient to ensure the specified standards are embedded within the permission itself and do not need to be reinforced by inclusion in the S.106 legal agreement. The wording and condition numbering is proposed to be amended, in order to link it with Condition 3 (Reserved Matters) and reads as follows:

#### Condition 6 (Amended worded)

*The details submitted pursuant to condition 3 above shall include the following minimum amounts and typologies of open space:*

- *An 0.59ha on-site parks and amenity green space*
- *An 0.84ha on-site natural and semi-natural green space*
- *An 0.11ha on-site combined provision for children & young people*

*REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15 and NPPF.*

## **Issue 3**

There is typographical error on page 61 (Charnwood Open Space) as the consultation comments refer to:

- 0.11ha on-site LEAP (Provision for Children)
- On-site equipment/ facilities for Young People Local alongside LEAP or off-site contribution of £166,949

### Officer response to Issue 3:

The requirement is not to provide separate elements but combined on-site provision of 0.11ha for children & young people facilities/equipment, which is amended to reflect consultation comments and agreed terms. This is also consistent with Condition 6 of Plans Committee report.

#### Recommendation:

**Amend the recommendation for approval as set out in the agenda report to delete the open space requirements from the terms of the s106 agreement. i.e:**

#### **RECOMMENDATION A:**

That authority is given to the Head of Planning and Growth and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Affordable Housing	<ul style="list-style-type: none"><li>• 30% of dwellings to be affordable housing with 66% (35 units) social and affordable rent and 34% (17 Units) shared ownership</li></ul>
Charnwood Borough Council Open Space	<ul style="list-style-type: none"><li><del>• Parks and amenity green space: on site 0.59ha multi-functional green space areas</del></li><li><del>• Natural and semi-natural green space: on site 0.84ha Defined habitat areas should be identified and created</del></li><li><del>• Combined provision for children &amp; young people: 0.11ha on site</del></li><li>• Outdoor sports facilities - off-site contribution of £57,626 for provision and improvements to changing facilities at Sileby Cricket Club or provision and improvements of any other purpose of outdoor sport facilities within the locality of the development</li><li>• Allotments – off-site contribution of £19,761</li></ul>
Sustainable Transport	<ul style="list-style-type: none"><li>• Travel Packs -one pack per dwelling at £52.85 per pack</li><li>• Six month bus passes x2 per dwelling at cost of £470 per pass</li><li>• STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000</li><li>• Installation of a two new bus stops prior to occupation of the 50<sup>th</sup> dwelling (with raised and dropped kerbs to allow level access) to</li></ul>

	<p>support modern bus fleets with low floor capabilities and associated works to include bus stop flags, shelters, raised kerbs, lighting, timetable and real time information. One to be located on Highgate (north of Wellbrook Avenue) and one at a suitable location in the vicinity of the Phase 1 pedestrian/ cycle access with the exact locations to be agreed with the LHA at a cost of £5,400 per stop</p>
Biodiversity	<ul style="list-style-type: none"> <li>• To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</li> <li>• To submit a updated Biodiversity Impact Assessment</li> <li>• To provide the Biodiversity Net Gain on Site in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>• Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council</li> </ul>
Leicester, Leicestershire & Rutland ICB Commissioning Group (NHS)	<ul style="list-style-type: none"> <li>• £72,649.50 additional clinical accommodation for 262.5 patients at Highgate Medical Centre and The Banks Surgery.</li> </ul>
LCC Library Services	<ul style="list-style-type: none"> <li>• £5,298.30 contribution towards the enhancement of Sileby Library</li> </ul>
LCC Waste management	<ul style="list-style-type: none"> <li>• £9,042 is required to contribute towards waste management at the HWRC at Mountsorrel</li> </ul>
LCC Education	<ul style="list-style-type: none"> <li>• £133,605.00 towards funding Early Years Education provision, improvement, remodelling or enhancement of education facilities at Highgate Community Primary School or at other schools or other early</li> </ul>

	<p>learning provision within the locality of the development</p> <ul style="list-style-type: none"> <li>• £963,690.00 towards provision, improvement, remodelling or enhancement of education facilities at Highgate Community Primary School or any other school within the locality of the development</li> <li>• £522,426.10 towards provision, improvement, remodelling or enhancement of education facilities at Humphreys Perkins School or at other schools within the locality of the development</li> <li>• £98,784.76 towards provision, improvement, remodelling or enhancement of education facilities at Ashmount School or any other school within the locality of the development improving capacity at SEN school</li> </ul>
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**RECOMMENDATION B:**

**Amend in accordance with the detailed wording of conditions as set out above, i.e:**

Condition 2 (Amended wording)

The development hereby permitted shall be carried out in accordance with the following approved plans and details:

- edp4307\_d002g (Red Line Boundary)
- Tree Planting Design Code – August 2022
- 32210055-5513-001 Rev. A (Access from Phase 1 Spine Road)

The development hereby permitted shall be carried out in accordance with the principles set out on the indicative masterplan on drawing number edp4729\_d028f (Illustrative Masterplan) date 15 September 2021

REASON: To provide certainty and define the terms of the permission in accordance with Development Plan policy CS2 of Charnwood Development Plan (2011-2028), Saved Policies EV/1 of Charnwood Local Plan (2004), Design SPD and the NPPF.



Condition 6 (Amended wording)

The details submitted pursuant to condition 3 above shall include the following minimum amounts and typologies of open space:

- An 0.59ha on-site parks and amenity green space
- An 0.84ha on-site natural and semi-natural green space
- An 0.11ha on-site combined provision for children & young people

REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15 and NPPF.

**Pages 101 - 121**

**Site Address: Land to the rear of 88 - 90  
Chaveney Road, Quorn, LE12 8AD**

**Item No. 3**

**P.A. No. P/21/0967/2**

Since the publication of Plans Committee report, there has been further correspondence with the agent for the application, who has raised the following issue:

**Issue 1**

An 'approved plans' condition does not form part of the recommended decision. The agents request the inclusion of this type of condition in order that future applications can be submitted to vary it if there are any changes to the scheme going forward.

**Officer response to issue 1:**

The design of the proposed dwelling is a reserved matter and the elevations submitted on drawing 21.4032.05 are therefore indicative only, especially as there are no side or rear windows shown on the dwelling on this drawing. As a result, these indicative plans are not binding and are likely to be amended at the reserved matters stage in any case. It was therefore considered that a planning condition requiring the development to be carried out in accordance with these plans would undermine the purpose of the reserved matters stage, which will define the appearance of the building.

However, it is agreed that the approved plans covering the matters that are not reserved, such as the siting and the access of the development, can be included in this type of planning condition and it is therefore suggested the following condition be added, should planning permission be granted:

Proposed additional condition:

*The development hereby permitted shall be carried out in accordance with the following approved plans:*

- *Outline Planning Proposals Sheet 1 of 3 – 21.4032.03B; and*
- *Outline Planning Proposals Sheet 2 of 3 – 21.4032.04B.*

*REASON: To define the terms of the planning permission.*

**Recommendation:**

**No change to the recommendation for approval as set out in the agenda report other than the addition of the condition recommended above.**