

## Background Note for Reserved Matters Applications at North East Leicester

This note accompanies the four committee reports relating to applications for reserved matters at North East Leicester. It is intended to set the context and provide commentary relating to overarching matters across phase 1, thus reducing the need for repetition and members should consider the contents of this note in determination of each of the reserved matters applications in turn.

### General Context

The Local Planning Authority has been asked to determine four reserved matters applications that cover the majority of phase 1 of the North East Leicester sustainable urban extension, (SUE). This SUE was allocated within the Core Strategy and approved in outline under Charnwood Borough Council application reference P/13/2498/2 and Leicester City Council application reference 20132317.

The primary school and the local centre are currently excluded from consideration at this time, as they will be subject to later reserved matters applications.

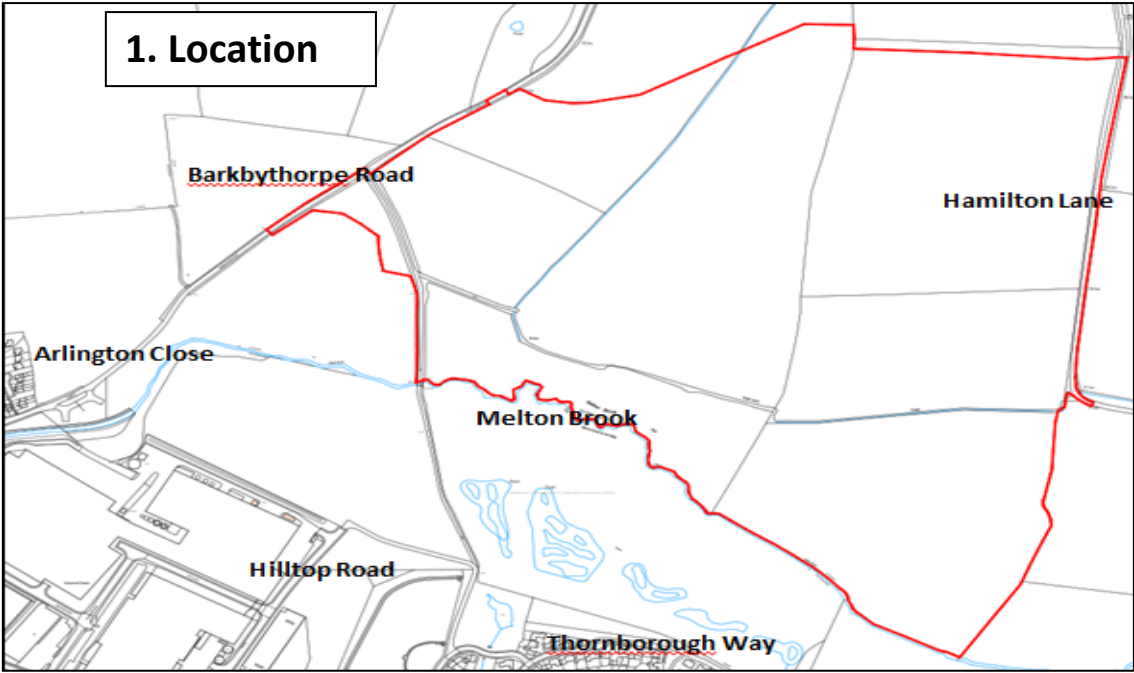
The table below sets out the scope of the applications:

Reference Number	Applicant	For
P/19/1369/2	Lichfields	Infrastructure and Open space
P/19/1457/2	David Wilson Homes	225 dwellings
P/19/1374/2	William Davis Ltd	133 dwellings
P/19/1479/2	Davidsons Developments Ltd	246 dwellings
		TOTAL 604 dwellings

The following three plans show:

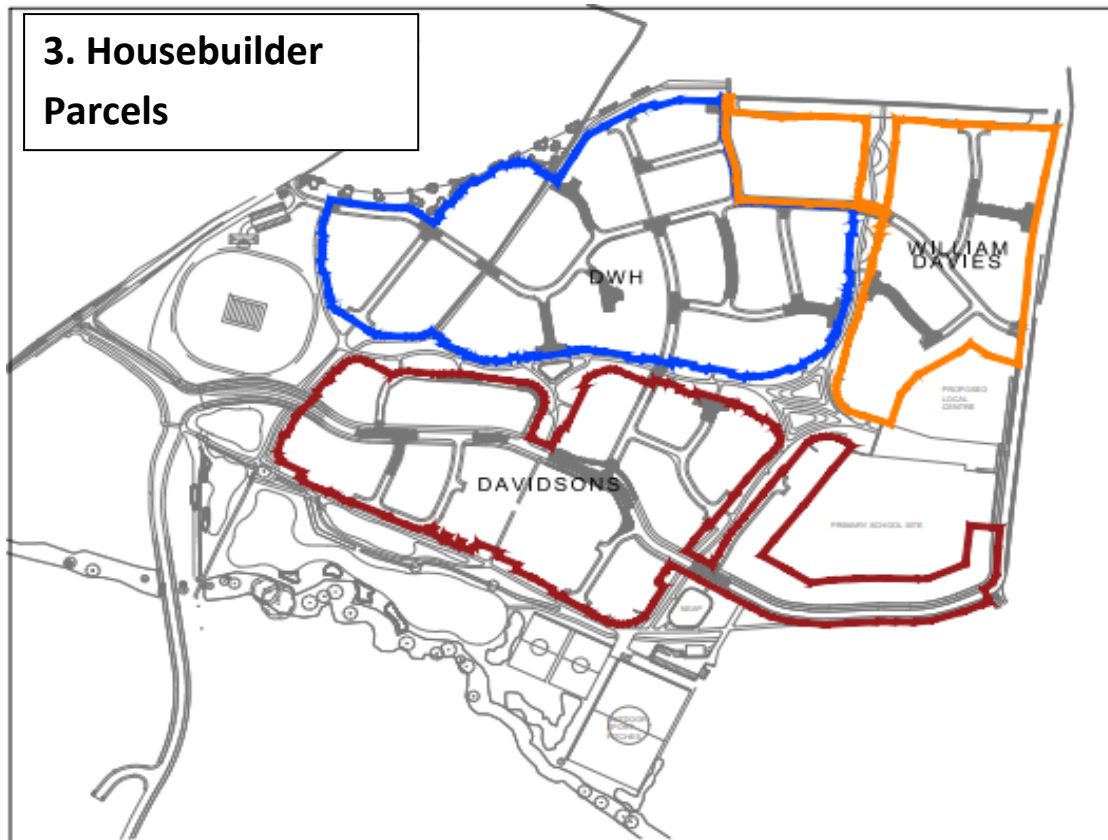
- **Plan 1** - the location of phase 1 in relation to adjacent roads
- **Plan 2** - the location of phase 1 in terms of the overall masterplan
- **Plan 3** - the approximate boundary of the housebuilder applications

# 1. Location



# 2. Location on Masterplan





### Overarching Matters Across Phase 1

#### Comments Received

The Local Planning Authority, (LPA), have received several objections and comments that relate to all four applications. Whilst comments relating to the particulars of one set of reserved matters have been included in the report for that application, to avoid repetition, overarching comments are set out in the table below:

Consultee/Resident	Response
Thurmaston Parish Council	The Parish Council expresses concern about the temporary access points and the increase these may bring in traffic on Barkbythorpe Road and Barkby Thorpe Lane, particularly as there are now 604 dwellings in phase 1. Concern is raised regarding when the spine road will be completed and over the sustainability of this phase prior to local facilities coming forward in later phases. The lack of detail regarding the sports facilities is referenced along with concern that those details that are indicated may be inadequate. Affordable housing is queried as the proposals do not meet the site wide housing plan. Finally, it is requested that the burial ground requirements are reviewed

	against local provision at the point that that is provided.
Barkby and Barkby Thorpe Action Group (BABTAG)	BABTAG acknowledges the quality of the development but raises concerns about the scope of phase 1. As it now exceeds the triggers for the southern access road and traffic calming and reaches Hamilton Lane, there are fears regarding traffic impacts. Concern relating to traffic is also raised about the timing of the changes to Barkbythorpe Road and Hamilton Lane and how this relates to the completion of the spine road. The creation of permanent access points onto Hamilton Lane is also a concern prior to the stopping up of this lane. Whilst the speed restrictions are welcomed a condition is sought to make sure these are put in place before the first house is occupied. The nature of the recreation area to the north is queried.
Leicester City Council – Planning Authority	Expresses concern that there are two access points onto Hamilton Lane in advance of the Southern Access Road, (SAR), being delivered and indicates that it would object if any change more fundamental than this were to be sought. The importance of delivering the SAR by the occupation of 575 dwellings is emphasised.
Leicester City Council – Highways Authority	Expresses regarding the creation of two access points onto Hamilton Lane in advance of the SAR. It considers this to be contrary to the outline access strategy and queries the lack of a forecast which presents the scenario where phase 1 is developed without the SAR. Additional traffic using Hamilton Lane, Keyham Lane West, Netherhall Road and New Romney Crescent are a concern as there is no mitigation for these routes. Additional traffic calming in the city is sought to mitigate this should the SAR be delayed.
Barkby and Barkby Thorpe Parish Council	The Parish Council acknowledges the quality of the development but raises concerns about the scope of phase 1. As it now exceeds the triggers for the southern access road and traffic calming and reaches Hamilton Lane there are fears regarding traffic impacts. Concern relating to traffic is also raised about the timing of the changes to Barkbythorpe Road and Hamilton Lane and how this relates to the completion of the spine road. The creation of permanent access points onto Hamilton Lane is also a concern prior to the stopping up of this lane. Whilst the speed restrictions are welcomed a condition is sought to

	make sure these are put in place before the first house is occupied. The nature of the recreation area to the north is queried.
Local residents	Express concern about displacement of wildlife, traffic increases on local roads, protected species and the possible loss of footpaths.

### The Outline/hybrid Consent

This set of applications comprises reserved matters. This means that they deal with things that were not included within the outline/hybrid application, namely layout, scale, appearance and landscaping, and it those matters which are being considered in the determination of these applications.

Planning conditions attached to the earlier outline/hybrid application remain in force. There are a number of pre-commencement planning conditions, which remain to be discharged and which contain details that will also be important in how the development in these areas is delivered. These are:

Interface Zones approval of specified details for areas of development that adjoin other development parcels	Condition 5
Site Wide Green Infrastructure and Biodiversity Strategy	Condition 6
Construction Management Plan (CEMP) for phase 1	Condition 7
Surface water drainage scheme for phase 1	Condition 8
Green Infrastructure and Biodiversity management plan for phase 1	Condition 9

Whilst it is beyond the scope of these reserved matters to deal with the matters above it is important to ensure there is nothing within the reserved matters that would conflict with aims and objectives the above documents and strategies need to ensure.

There are also planning conditions and obligations beyond the pre-commencement stage that secure other Information, including delivery and phasing of the wider development, and again, whilst beyond the scope of these reserved matters, it is important to assess whether these are impacted by these reserved matters.

It is not considered that the reserved matters, as submitted, would conflict with the planning conditions or obligations attached to the outline/hybrid consent.

### Housing Delivery

These reserved matters relate to an allocated site, (Policy CS19 within the Core Strategy, November 2015), and a site which also has outline approval. In this respect it should be noted that the 604 units which make up this series of reserved matters contribute towards the 5-year land supply figure as published.

The local planning authority updates its 5-year land supply statement on an annual basis. The published statement from March 2019 identified Charnwood's housing

supply at 6.41 years. Officers are currently updating the statement; however, interim advice is forecasting the annual 5-year land supply position at March 2020 as 5.64 years.

Against the November 2015 Core Strategy Housing Trajectory Appendix 1 page 135, North East Leicester SUE has a deficit of 1,025 units to April 2021 with all three urban extensions having a forecast deficit of 3,074 units to the end of the current plan period to March 2028.

These matters are a material consideration for members of Plans Committee on which significant weight can be attached. For this reason, it is also recommended that the time period for implementation of these reserved matters is brought forward to 18 months, (rather than 3 years). This accords with the developers' current trajectory which suggests 175 units will be delivered within the period 2020/21. This can be controlled by a specific planning condition.

#### Environmental Impact Assessment, (EIA)

As there is an Environmental Statement (ES) attached to the original outline/hybrid application, the reserved matters are regarded as subsequent 'EIA applications'. Regulation 8 of the 2011 Environmental Impact Assessment Regulations and Regulation 9 of the 2017 Environmental Impact Assessment Regulations both state that where a subsequent application is submitted and an Environmental Impact Assessment has previously been provided that the planning authority must consider whether the previously submitted information is adequate to assess the significant effects of the development on the environment. This assessment should cover:

- Whether the reserved matters accord with the provisions of the parameters in the outline/hybrid planning permission
- Relevant updates to policy/legislation by topic
- Whether any topic baseline assessments have changed
- Whether there are any effects which were not identified, or which weren't identifiable by topic

These matters have been assessed and it is considered that the reserved matters are in compliance with the parameters in the outline permission and that there are no changes to policy and legislation that would have a material impact on the finding of the Environmental Impact Assessment.

There are changes to the baseline for the assessments relating to ecology due to updates in the rolling programme of survey work, but these do not give rise to increased impacts or changes to mitigation.

Biodiversity impacts are discussed in more detail in the report covering P/19/1369/2 as this reserved matters application covers the majority of the greenspace and mitigation measures for phase 1.

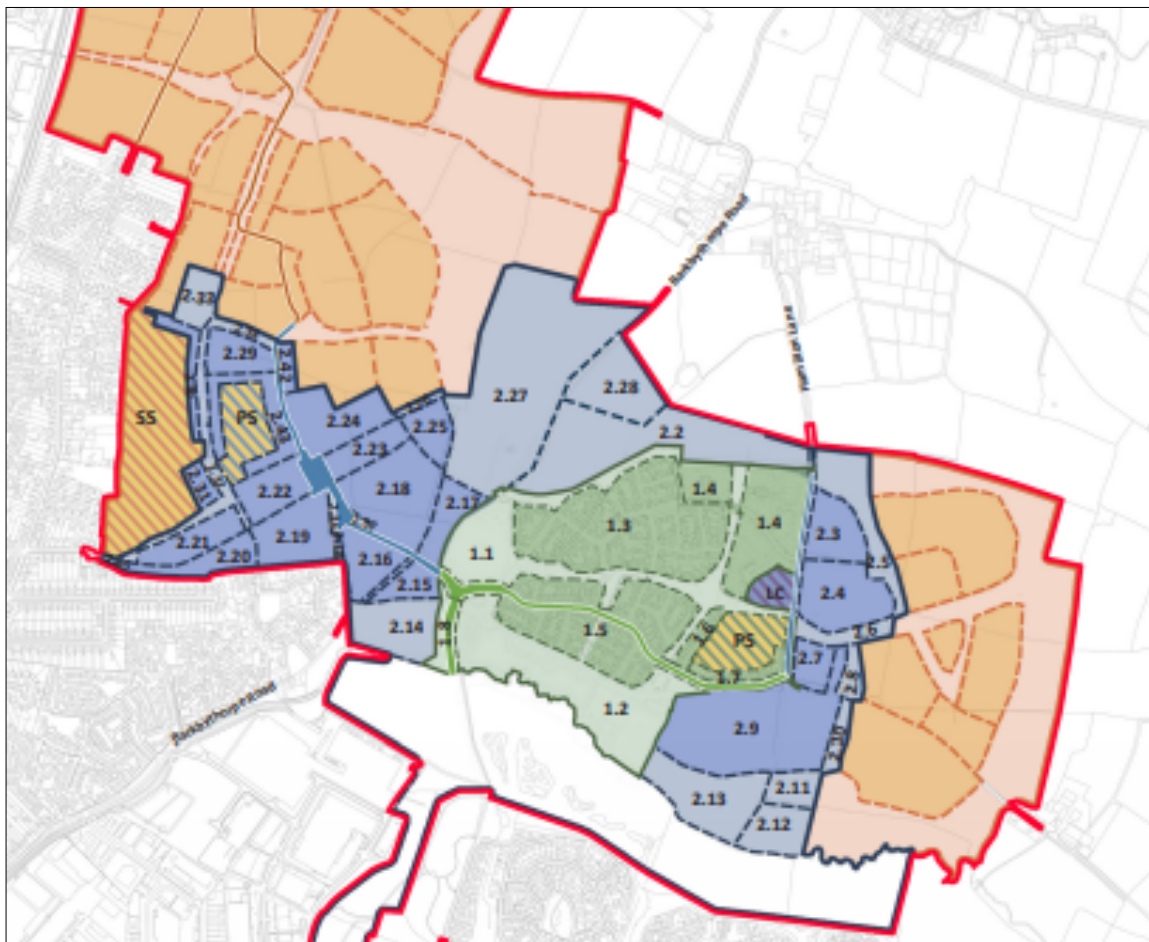
Due to changes between the indicative phasing submitted with the Outline/hybrid planning permission and the more detailed programme for phase 1, further explanation was sought relating to traffic impacts. An additional study into phase 1 was submitted

and this revealed that these changes do not give rise to material change to the residual impacts of the proposal in terms of traffic impact. Transport and Highways matters are discussed within the report relating to P/19/1369/2 because this application contains the main access framework for the phase.

### Infrastructure provision/phasing and delivery

A site wide phasing plan has been submitted and approved under a planning condition to the Outline/hybrid planning permission. It sets out how the overall development will be phased over its lifetime. Due to the size of the whole development this covers a period of approximately 15 years, and it is important to remember that, due to this timeframe, the phasing programme itself will be subject to review at the end of each phase.

The phasing plan shows phase 1, coloured green, to include the area covered by the four reserved matters applications that have been received along with the primary school, an area for the Southern Access Road and an area for the local centre. The plan below shows broad phasing for the core of the site, (the blue area is phase 2):



It should be noted that there are additional phasing controls within the planning conditions attached to the outline/hybrid and also as obligations within the section 106 legal agreement. Some of the key ones are set out below:

175 dwellings occupation	Bus service commences with half hour frequency
500 - 1375 dwellings occupation, (September prior)	Complete primary school 1
500 dwellings occupation	Highway Works at Barkby/Barkby Thorpe
575 dwellings occupation	Southern access road constructed
575 dwellings Completed	Bus service increases to 4 per hour
900 – 3800 (September prior)	Timeframe for secondary school delivery options
1000 dwellings occupation	Provide and transfer traveller land
1500 dwellings occupied	Completion and transfer of community hall
1500 dwellings occupied	Construction and offering of police facility if provided
1500 dwellings occupied	Construction and offer of library hub facility if provided
1500 dwellings occupied	All destination park facilities completed and available
1725 dwellings occupied	Completion and transfer of healthcare facility
2300 – 4500 dwellings, (September prior)	Completion of primary school 2 and/or 3
2355 dwellings occupation	Northern link road completed
2500 dwellings occupation	Transfer of burial space (if operator secured)

In addition to this, there are general requirements to:

- complete affordable housing for each phase before 85% of the market houses are occupied
- provide public open space within housing parcels before 60% of the housing is occupied
- secure CBC approval of management arrangements for public open space prior to each phase commencing

There is nothing within these reserved matters which would be at odds with this delivery strategy.

### Affordable Housing

The outline/hybrid permission was granted on the basis that 25% of homes across the SUE as a whole are affordable and this is reflected within the Section 106 Legal Agreement. The Section 106 Agreement goes on to state that affordable housing for the SUE should be delivered in accordance with a site wide affordable housing delivery plan. This delivery plan has been submitted to the Council's affordable housing officer and is considered acceptable. For the whole site the site wide affordable housing delivery plan gives the following affordable housing percentages:



**Figure 1 – Indicative Phase Distribution of Affordable Housing**

	<b>Affordable Housing %</b>	<b>Total Housing Units</b>	<b>Extra care Affordable Housing</b>	<b>Affordable Units</b>	<b>Market Units</b>
phase 1	20.0%	604	0	120	484
phase 2	25.0%	1200	60	240	900
phase 3	26.0%	1200	0	312	888
phase 4	26.0%	1300	0	338	962
phase 5	28%	196	0	55	141
	<b>TOTALS</b>	<b>4500</b>	<b>60</b>	<b>1065</b>	<b>3375</b>

From this it can be seen that whilst levels of affordable housing across the phase are below the 25% threshold it is planned that this deficit will be made up in later phases which are closer the central hub and existing urban areas. This is considered to be acceptable given the character of the phase 1 area. The phase is predominantly within the “village housing” character area of the Design and Access Statement and contains areas which the parameters plan earmarks for low density developments. In order to achieve this loose knit character without an impact on viability it is necessary to take a pragmatic view. This has been accepted by housing officers in approving the Site Wide Affordable Housing Plan, particularly as the controls set in the Section 106 Agreement will ensure that the 25% figure is achieved across the wider development.

The site wide affordable housing delivery plan also clarifies type and tenure across the SUE. Phase 1 is compared with this in the following table:

<b>Size</b>	<b>No</b>	<b>%</b>	<b>% SWAHDP</b>
1 Bed	26	22%	13%
2 Bed	63	53%	50%
3 Bed	29	24%	33%
4+ bed	2	2%	4%

This shows that the number of 1-bedroom affordable properties in this phase is higher than the site wide requirement, 2 bed broadly equates to the site wide requirement and the number of larger 3+ bed affordable properties is lower than required. This will need to be rebalanced during later phases. As with the overall percentages this is considered to be acceptable in order to achieve the area character sought in the Design and Access Statement and given the ability, via the section 106 and Affordable Housing Delivery Plans, to control the affordable across the whole site.

An affordable housing delivery strategy has been submitted under a planning condition to the outline/hybrid permission for phase 1 of the development; however, it has not yet been discharged (it has to be submitted in advance of reserved matters approval but only requires discharge pre-commencement of development). This puts forward

20% affordable housing with a tenure split of 80% Affordable Rented and 20% Shared Ownership. Whilst the tenure split remains to be agreed, the 20% is approved by way of the approved site wide affordable housing delivery plan. Alterations to the tenure split would have limited implications for the layouts that stand to be approved within these reserved matters.

### Market Housing Mix

Market Housing mix stands to be considered with regard to character of the area and for this reason individual assessments are made within each housing reserved matters application. However, to give an overall picture, mix across phase 1 is summarised below:

<b>Size</b>	<b>No</b>	<b>%</b>	<b>HEDNA%</b>
1 Bed	0	0%	0-10%
2 Bed	32	7%	25-35%
3 Bed	189	39%	45-55%
4+ bed	263	54%	10-20%

As noted within the reserved matters applications, Core Strategy policy CS3 states that an appropriate mix should be the product of both need AND character of the area. For this reason, coupled with an assumption that the remainder of the site can redress the balance and because of the need to “kick start” the SUE a shortfall in smaller units is considered acceptable.