



Appeal Decision

Inquiry held on 13 and 14 April 2016

Site visit made on 14 April 2016

by Christa Masters MA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 June 2016

Appeal Ref: APP/T2405/W/15/3135801

Land off Denman Lane, Huncote, Leicester

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Westleigh Developments Limited against the decision of Blaby District Council.
 - The application Ref 15/0115/OUT, dated 21 January 2015, was refused by notice dated 7 April 2015.
 - The development proposed is residential development of up to 60 units (25% affordable housing provision), associated infrastructure, open space and landscaping with all matters reserved save for access from Denman Lane.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 60 units (25% affordable housing provision), associated infrastructure, open space and landscaping with all matters reserved save for access from Denman Lane at Land off Denman Lane, Huncote, Leicester in accordance with the terms of the application, Ref 15/0115/OUT, dated 21 January 2015, subject to the conditions as set out in the attached schedule.

Procedural Matters and Background

2. As the application form is undated I have taken the date of the application from the decision notice and appeal form.
3. The application is in outline form with only means of access to be determined at this stage. Layout, scale, appearance and landscaping are all reserved for future determination and I have dealt with the appeal on this basis.
4. A previous planning appeal decision was issued on 31 March 2014¹. This appeal related to an outline proposal for 67 dwellings, of which 60% were to be affordable. A further appeal decision within the district was also referred to by the main parties². I have had regard to these decisions in reaching my conclusions below.
5. An executed Agreement under Section 106 of the Planning Act (S106) was submitted at the inquiry. This Agreement addresses a number of matters

¹ APP/T2405/A/13/2198620

² APP/T2405/W/15/3133922

including contributions towards bus stop improvements and real time information, bus passes, monitoring costs, travel packs, healthcare, library, on site open space, education and police. The Agreement also provides for a commitment to provide 25% of the total number of dwellings as affordable housing. Leicestershire County Council, who had been granted Rule 6 Status, were satisfied that their objections to the scheme had been adequately addressed by the Agreement and did not present evidence to the inquiry. I shall return to the Section 106 later in the decision.

Main Issue

6. Whether or not the proposal would provide a suitable site for housing, having regard to the principles of sustainable development.

Reasons

The Site

7. The appeal site is a long roughly rectangular piece of open land on the northern edge of Huncote. The proposal seeks outline permission for the erection of 60 houses. Vehicular access would be principally off Denman Lane with a private drive off Forest Road. There is an existing public footpath running through the central part of the site which extends beyond the appeal site and links to a wider network of footpaths and bridleways in the area. The area surrounding the appeal site is a mix of residential development to the south and west and open fields to the north and east.

Policy Context

8. The Framework makes it clear that there are three dimensions to sustainable development: economic, social and environmental. The Framework is also clear that these roles are mutually dependent and should not be undertaken in isolation. Paragraph 17 notes, amongst other things, that decisions should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. This approach is to reduce the reliance on the use of the private car.
9. The Council contend that the site is not in a sustainable location to access amenities and local public facilities. As a result, the Council allege conflict with policies CS10 and CS11 of the Blaby District Core Strategy (CS) 2013. These policies relate to Transport Infrastructure and Infrastructure, services and facilities to support growth. Policy CS10 is a lengthy policy which requires, amongst other things, that the Council will seek to reduce the need to travel by private car by locating new development so that people can access services and facilities without reliance on the 'private motor vehicle'. Policy CS11 requires, amongst other things, that new development must be supported by the required physical, social and environmental infrastructure. In light of policies CS10 and CS11 set out above as well as the evidence presented, I have considered the accessibility of the appeal site relative to services and facilities within the settlement of Huncote as well as those available elsewhere.
10. I heard detailed evidence at the inquiry regarding the applicability or otherwise of paragraph 14 of the Framework and the different approaches to

the issue of sustainable development³. In my view, there can be no debate that paragraph 14 makes it clear that at the heart of the Framework is the presumption in favour of sustainable development. To my mind, in relation to the specific circumstances of this case and the context of the presumption in favour of sustainable development, the 3rd bullet point of paragraph 14 states that for decision taking this means approving development proposals that accord with the development plan without delay. I have therefore as a starting point, considered the proposal in the context of paragraph 14 of the Framework and the development plan policies set out above.

The economic role

11. The Framework sets out that part of the role of the planning system is to support growth and innovation, including the provision of infrastructure requirements. In relation to this appeal, employment, albeit temporary, would be generated from the construction works as well as new household expenditure supporting local facilities and services which I have detailed below. It would also support the local employment situation as a result of this economic activity. These are all factors of significant weight in favour of the proposal.

The social role

12. The Framework explains that the social dimension includes supporting strong vibrant and healthy communities, with accessible local services that reflect the communities needs and support its health, social and cultural well-being. The appeal proposal would deliver homes including affordable housing provision. Although in outline form only, the development could deliver wider benefits to the community of Huncote through footpath and public transport improvements which I have set out below. These aspects of the proposal could have wider benefits to the existing community and I have apportioned a modest amount of weight to these factors as a result.
13. Huncote is identified as a medium central village within policy CS5 of the Blaby District Core Strategy (CS) 2013 where some housing development is envisaged. This designation was informed by the Settlement Hierarchy Report dated July 2010. The introduction to the report explains that the report was prepared to assess the relative sustainability of settlements within the district. The report is clear that it forms part of the evidence base but is not in itself Council policy. The Council's witness advised that the document has no formal policy status and on the basis of the evidence, I would concur with this approach. Nevertheless, it does provide a useful background document. The report notes that Huncote is a Medium Central Village ranked 13th out of 25 settlements within the district. There was significant debate between the parties as to whether the settlement would still achieve such a ranking. However, taking into account the allocation of Huncote as set out under policy CS5, this issue is not to my mind material to the determination of this appeal.
14. Huncote has a number of amenities and facilities one would expect to find in a settlement of this size. Almost opposite the appeal site on Forrest Road is the Pavilion Leisure Centre, a high quality modern leisure facility which includes a BMX track, all weather pitches, indoor gym and squash court, as

³ Cheshire East BC v SSCLG [2016], Suffolk Coastal District Council v Hopkins Homes Limited [2016]

well as a café area, children's holiday clubs and meeting room facilities. This is to my mind an impressive facility for a settlement the size of Huncote and is within a couple of minutes walk of the appeal site. Huncote Primary School is located off Denman Lane and is also a short walk from the appeal site.

15. Appendix 7 to the Councils Proof of Evidence demonstrates clearly the relationship of the appeal site to facilities and services available within Huncote. In addition to the Pavilion Leisure Centre and Primary School, there are a variety of facilities within the village centre including public house, mobile library, church and a fish and chip shop. The newsagents provide more extensive shopping facilities than its name would imply. I would describe this shop as a minimarket facility with a variety of everyday shopping items, toiletries and stationery products as well as newspapers and magazines. This shop is open from 0600 to 1930 Monday to Saturday and 0700 to 1700 on a Sunday. The main convenience store is located near to this unit and provides a broader range of facilities along the same lines as those set out above. It also includes a post office facility. This shop is open from 0900 to 2000 Monday to Saturday and 0900 to 1500 on Sundays.
16. Both of these facilities provide a range of top up shopping for residents which are readily accessible from the appeal site on foot, by car or by bicycle. The accessibility of these shopping facilities, as well as the school and other facilities including leisure facilities outlined above, when considered collectively, mean that a number of day to day needs of residents can be met without reliance on the private car. These factors weigh in favour of the sustainability of the settlement in terms of its social role and the relative location of the appeal site within Huncote.
17. A significant amount of the evidence I heard at the inquiry related to the location of Huncote relative to the nearest neighbouring settlements which may be required to access medical facilities and the pharmacy. It was confirmed that the local pharmacy offer a prescription delivery service to the village. GP and dentist facilities are located within Narborough. This is a larger settlement and in terms of settlement hierarchy, it is not unusual that village residents would need to travel to another settlement for medical facilities such as doctors and dentists.
18. Existing residents also travel outside of Huncote for secondary school provision and whilst there was some evidence of pre school age childcare provision in the form of childminders within Huncote, it is more than likely that those requiring childcare of this nature would travel to Narborough or Grange Park where there is more extensive provision. Again, I do not see these factors as unusual for village residents.
19. Concerns were expressed that the proposal would put added pressure on existing local education and health care provision. However, appropriate mitigation has been put forward by the appellants to address these concerns and I have no statutory objection from these parties to the development proposed.
20. In terms of bus service provision, there are a number of bus stops located along the Main Street/Narborough Road which runs through the village. I was able to walk to these bus stops during my site visit and they are located a comfortable walk of around 7 minutes from the central part of the appeal

site. I concur with the views expressed by the previous Inspector that this walk is unchallenging.

21. The 50/50A bus service serves the settlement and runs from Leicester to Huncote. It calls at a number of the major shopping and employment destinations along this route include Fosse Park, Enderby and Narborough where there are connections available with the local railway station. The first bus to depart Huncote is at 0637. The last bus to return to Huncote from Leicester arrives back into the village at 1857. These times represent a small extension to the times considered by the previous Inspector. The X55 bus service no longer serves Huncote as it has been diverted to include the settlement of Thurlaston. I heard no evidence regarding the justification for this diversion or the effect this has had on existing residents within the village.
22. In my view, the service which runs hourly between the times identified above provides an acceptable service for a settlement the size of Huncote and provides a realistic alternative to the private car. The times would allow for access to a number of the employment areas closer to Leicester, as well as the wider shopping provision. Whilst concerns were expressed by the Parish Council regarding the reliability of the service, the package of bus stop improvement measures including real time information as proposed would mean that up-to-date travel information would be provided. Whilst I also agree with the Council's view that the bus would be unlikely to be used for those wishing to undertake a full weekly shop, the choice of transport modes remains.
23. The Council's witness described the bus service as an expensive option for travel. It was explained to me at the inquiry that this was in comparison to car travel. However, the planning system is not able to dictate the relative cost of public transport, merely to ensure that options are available. To my mind, the existence of this bus service outlined above serving the village fulfils this objective.
24. The Council agreed at the inquiry that the relevant guidance in terms of assessing the walking distance and route to the bus stops was the Department of Transport Local Transport Note LTN 1/04. In relation to this guidance, I am of the view that the bus stops within Huncote would be readily accessible as an alternative mode of transport to the private car.
25. A number of concerns were raised regarding recent changes to bus services to the Secondary school in Enderby which have been introduced. However, this existing situation would remain unaffected by the appeal proposal and as such, is not a matter for my deliberations.
26. Turning to consider walking and cycling, the shops within the village are approximately 6 minutes walk from the appeal site. The Primary School would be around a 5 minute walk from the appeal site. Both of these would also be readily accessible by bicycle. These distances and walk times would mean that a range of shops and facilities would be available within Huncote to meet the day to day needs of residents.
27. The previous Inspector in 2014 found that the Huncote Road would not be a realistic option for walkers or cyclists as there was evidence of drivers travelling at excessive speeds. However, since the time of that appeal, a

new speed limit of 50mph has been introduced along this road. This is a material change in local circumstances in relation to this appeal. Although concerns were expressed regarding the adequacy of the width of this footpath, the main parties put forward a Grampian condition at the inquiry to require improvements to this footpath should planning permission be granted. I will return to the specifics of this condition later in my decision.

28. I was able to use the footpath during my visit, as well as witness both cyclists and other pedestrians using it at different times of the day. Despite its existing width which is narrow in parts, it is clearly used by those wishing to travel between Huncote and Narborough. The suggested condition would allow for improvements to be made, which could have the benefit of making the route more attractive for use by both pedestrians and cyclists, if a designated cycle route were also to be included. This is also a material change in the circumstances of this appeal compared to those before the previous Inspector in 2014. Subject to these improvements, this route represents a realistic alternative to the use of the private car for residents who may wish to access the broader range of services and facilities on offer in Narborough.
29. In reaching the above views, I have had regard to the conclusions drawn by the Inspector in relation to the recent planning appeal at Countersthorpe⁴. I concur with the conclusions reached in relation to this appeal. Namely, that whilst the private motor car may be the preferred mode of transport to access wider facilities and services outside of Huncote, there is importantly a choice available and a broad range of facilities and services are accessible within Huncote. These factors weigh in favour of the proposed development.
30. In addition to the above, the proposal would deliver homes in an area where the Council is unable to demonstrate a 5 year supply of housing as agreed by the main parties. 25% of these dwellings would be affordable housing, in accordance with policy CS7. Both of these aspects are positive and weigh substantially in favour of the appeal proposal.

The environmental role

31. The Framework identifies the environmental role as contributing to protecting and enhancing our natural, built and historic environment. There have been no objections raised by the Council in relation to the effect of the proposal on the character and appearance of the area, although a number of third parties have raised concerns in this regard. Nevertheless, from the evidence presented and from what I saw on the site visit, I concur with the views of the Council that the proposal would have an acceptable effect in this regard.
32. Policy C2 is a countryside policy which states that within areas designated as countryside, planning permission will not be granted for built development which would have significant adverse effects on the character and appearance of the landscape. No such harm is identified by the Council in this regard. As such, I am of the view that the proposal would accord with this broad policy objective. Moreover, I am not convinced that full weight can be given to this policy in an area where the Council are unable to demonstrate a 5 year supply of housing.

⁴ APP/T2405/W/15/3133922

33. The appeal proposal is in outline form only. The opportunity would exist at the reserved matters stage for details design considerations in terms of landscaping and overall layout to be taking into account. In this regard, I am satisfied that the development of the appeal site would not cause any material harm to these environmental aspects. Nevertheless, the proposal would lead to the loss of open land on the edge of the village. This weighs against the proposal in terms of the balancing exercise to be undertaken.

Other Matters

34. Both the appellants and the Council have provided me with a number of appeal decisions which they consider to be comparable to the appeal case under consideration. However, notwithstanding the general comments made above, I have had regard to these decisions and do not consider any of these to be directly comparable to the specific nature of this appeal. I have thus determined this appeal on the basis of the evidence presented to me and on its own merits.
35. It was common ground between the parties that the proposal would accord with policies CS1, CS5 and CS7 of the CS. These policies relate to the strategy for locating new development, housing distribution and affordable housing respectively. Whilst it may be argued that limited weight should be attached to policies CS1 and CS5 in light of the Councils lack of 5 year housing land supply, I have nevertheless apportioned some weight to them in the determination of the appeal proposal.
36. The Council have also referred to policy T6 of the Blaby Local Plan (LP) 1999. As highlighted by the Council, the weight to be attached to out of date policies depends on the degree of consistency with the Framework. Policy T6 is a policy relating to off street parking. As this is an outline application only with only access to be approved, I do not consider this policy is directly relevant to this appeal.
37. I heard evidence at the Inquiry regarding the Principal Urban Area allocation identified within the CS and also the Lubbethorpe Sustainable Urban Extension identified by policy CS3 of the CS in terms of housing delivery. However, the lack of 5 year housing land supply is an agreed position between the main parties. The Council also state that whether the district as a whole has a 5 year housing land supply makes little difference to this appeal which is principally concerned with sustainability. The delivery of the strategic site allocations within the district is not a matter for my deliberations.
38. A number of interested parties also raised concerns regarding the effect of the proposal on the local highway network, and the potential for increased congestion within Huncote. The proposal is supported by a detailed transport assessment which considered, amongst other things, the design of the access onto Denman Lane, a consideration of delays, congestion and safety at a number of specified junctions within Huncote and a detailed safety and operational assessment of the Huncote Road/B4114 Coventry Road. As a result of this assessment, the proposal includes for junction capacity improvement works at the Huncote Road/Coventry Road, Narborough junction. These off site highways work are explained by drawing 732/101 contained within appendix G of the Transport Assessment.

39. On the basis of the transport assessment and highways officer comments, I am satisfied that these works are necessary to minimise the highways impact of the development. As a result, I have seen no evidence from any statutory consultee that the proposed access points would have a harmful effect on highways safety or the wider road network. I am also not convinced that the proposal would lead to any additional congestion around the school, as suggested by a number of interested parties, which is a short walk from the appeal site.
40. The effect of the proposal on local wildlife has also been addressed. The proposal is supported by a Phase 1 Habitat Survey which recommends, amongst other things, mitigation measures in relation to the construction phase of the development. This mitigation has been addressed as part of the planning conditions. Noise associated with the local BMX track is not a matter for my consideration.

Planning Obligations

41. The S106 Agreement makes provision for a number of matters and I have considered this document in light of the statutory tests contained in Regulations 122 and 123 (3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The details of the contributions sought are set out below.
42. Firstly, in terms of transport, a contribution of £6216 towards bus stop improvements nearest the appeal site, bus pass allocations to the new dwellings to a maximum sum of £700 per dwelling, £5840 towards real time information system, £52.85 per dwelling towards travel packs. Policy CS12 of the CS states, amongst other things, that planning obligations and developer contributions will be sought and guided by the Council's Planning Obligations and Developer Contributions (SPD) 2010. Policies CS10 and CS11, as I have set out above, relate to transport infrastructure and seek to ensure development is supported by appropriate infrastructure. Appendix D of the CS also identifies an Infrastructure Plan which identifies infrastructure requirements across the district. Taking into account the evidence presented, I am satisfied that these elements of the obligation are directly related to the development and are fairly and reasonably related in scale and kind to the development and therefore pass the statutory tests. The Council confirmed that there are currently no other contributions in place for the items specified, therefore I am satisfied that there are no issues concerning the issue of pooled contributions in relation to these contributions.
43. Secondly, a healthcare contribution of £416.83 per dwelling, up to a maximum of £25,009.92. In accordance with the policy framework and methodology outlined above, this contribution would be for the upgrading of one consulting room at the Limes Medical Centre, Narborough. Taking into account the evidence presented, I am satisfied that this element of the obligation is directly related to the development and fairly and reasonably related in scale and kind to the development. It therefore passes the statutory tests. The Council advised that there are currently 3 other contributions in place to cover this matter. I am therefore satisfied that there are no issues concerning pooled contributions in relation to this matter.

44. Thirdly, a library contribution to a maximum of £1810.80. In accordance with the policy framework and methodology outlined above, this contribution would be towards additional capacity at Narborough. As above, I am satisfied that this element of the obligation is directly related to the development and fairly and reasonably related in scale and kind to the development. It therefore passes the statutory tests. Leicestershire County Council have confirmed that there are two further Section 106 Agreements already in place for this. I am satisfied that there are no issues concerning pooled contributions in relation to this matter.
45. Education contributions in the form of a maximum of £162,610.69 towards primary school provision and £167,142.19 towards secondary school provision. Both of these contributions, including the formula for calculating the amounts, have been supported by details evidence prepared by Leicestershire County Council. Leicestershire County Council have confirmed that there are no existing Section 106 Agreements already in place for the primary school contribution sought, and two existing agreements in place for the secondary school contribution sought. I am therefore satisfied that there are no issues concerning pooled contributions in relation to this matter.
46. Similarly, a sum of £300 or 2% (whichever is greater) is also identified towards monitoring compliance regarding the contributions towards education, library and travel pack/real time information system as well as the bus stop improvement contributions. A further monitoring cost of £250 is also identified towards on site open space provision as well as the affordable housing provision on the basis of the evidence presented, I am satisfied that such a monitoring cost contribution would pass the statutory tests.
47. An on site open space contribution is also committed to and a detailed formula for how such a contribution is to be calculated is provided, based on the area of open space to be provided. Taking into account the size of the development and the requirement for such provision to be made, I consider that this obligation would pass the statutory tests.
48. Finally, a contribution of £21,332 towards police matters. The items which this contribution covers are identified at paragraph 4.10.1.1 of the Agreement. The Police Authority have also provided a detailed justification for the contributions sought. However, the Council have confirmed that in relation to associated vehicle costs (£1364) and additional premises (£14,864) there are already more than five contributions from other Section 106 Agreements in place for this. Accordingly, these contributions would fail to satisfy Regulation 123(3) and I am unable to take these into account. However, I note from paragraph 4.10.1.4 of the Agreement that the contribution must only be spent on projects with monies received for no more than 4 other Section 106 Obligations. This clause effectively addresses the pooling restriction requirements. Therefore, whilst I find the remainder of the police contributions to be directly related to the development and fairly and reasonably related in scale and kind, the above two elements of the contribution would fail to pass the pooling restrictions in place.
49. Policy CS7 of the CS seeks to secure a minimum of 25% of dwellings as affordable housing on all schemes of 15 or more dwellings. The Section 106 Agreement includes a commitment to provide this amount of affordable

housing. In these circumstances, I consider this obligation would be fairly and reasonably related to the development proposed and it would as a result pass the statutory tests.

Conditions

50. I have considered the suggested conditions in light of the discussions which took place at the Inquiry and having regard to the Planning Practice Guidance and Framework. Where necessary, those conditions which require discharge prior to the commencement of the development do so as they are integral to how the development will proceed. As the details of the access are not a reserved matter, the development is to be undertaken in accordance with the submitted access drawing in the interests of highway safety. As this is an outline application only, a condition to secure the submission of reserved matters is necessary. These details shall include the layout, scale, appearance and landscaping details, the latter to include a landscape management plan. The condition also makes reference to compliance with Blaby District Councils Housing Mix and Affordable Housing Supplementary Planning Document. This condition is reasonable and necessary in order to ensure that the requirements of policy CS7 are addressed. In addition, a landscape replacement planting condition has been included to ensure that the appearance of the development is satisfactory.
51. A condition has been included to require details of a surface water drainage scheme for the site. This is in the interests of satisfactory disposal and to minimise the risk of surface water flooding. A further condition has been included to require a waste collection strategy to be submitted and approved, in order to ensure that waste collection and recycling can be satisfactorily addressed on site. A condition requiring further investigation of the site to safeguard any archaeological finds that might be revealed has also been included in the interests of non-designated heritage assets.
52. Details of the finished floor levels which are to be submitted is necessary to ensure the appearance of the development is satisfactory. A further condition has been included to safeguard the biodiversity interests on the site, and to implement the mitigation measures as identified by the Deltasimons Updated Extended Phase 1 Habitat Survey. A condition requiring the development to satisfy the Leicester County Council 6Cs Design Guide is necessary and reasonable in the interests of highway safety. The off site highways improvement works at the Huncote Road/Coventry Road, Narborough Road Junction are also covered by an appropriately worded condition to ensure that the development has an acceptable effect on the local highway network.
53. I have considered the suggested condition put forward by the main parties regarding upgrading the footpath between Huncote and Narborough. For the reasons I have set out above, I am of the view that such works would be necessary to ensure the sustainability aspects of the appeal site are maximised to their full potential. However, the wording suggested advised that the works shall be completed prior to the occupation of the final dwelling. I have altered the wording to require the works to be completed prior to the occupation of the 26th dwelling on site which is both reasonable and necessary as this now accords with the timeframe specified in relation to

the off site highways works. In addition, taking into account the size of the site, the proximity of neighbouring houses and the likely duration of construction works, it is necessary to ensure that building operations are undertaken in an appropriate manner through the safeguards of a construction method statement. I have reworded the suggested condition put forward by the Council in the interest of precision.

54. Additional conditions were put forward by the Council to advise that the details as shown on the illustrative masterplan were not approved, that materials be submitted and also that the approval relates to the erection of buildings not exceeding two storeys in height. However, as this is an outline application only, details of appearance, layout and scale will be addressed at the reserved matters stage and accordingly, these conditions are neither necessary or reasonable.

Conclusions and Planning balance

55. The proposal would satisfy both the social and economic roles of sustainability, with environmental harm arising from the loss of open land. However, this harm would not outweigh the benefits the scheme would deliver when assessed as a whole. As a result, and having assessed the overall scheme in terms of housing delivery and the relevant development plan policies, I therefore conclude that the proposal would represent a sustainable site for housing development. It would accord with policies CS10 and CS11 of the CS outlined above. I find these policies to be consistent with the objectives of the Framework, and in particular paragraph 37 which advises that planning policies should aim for a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. I also find these policies to be consistent with the 3rd bullet point of the Framework which advises that development proposals which accord with the development plan should be approved without delay.
56. I attach weight to the benefits arising from the provision of new homes which would have both social and economic benefits in terms of boosting the supply of housing, supporting the local economy and improving the mix of housing in the local area. This delivery must be seen in the context of the lack of 5 year housing land supply within the district. The provision of affordable housing on site in accordance with policy CS7 of the CS is also a matter of considerable weight. These factors weigh substantially in favour of the development.
57. As a result, I have found that the proposal would represent a suitable site for housing, having regard to the objectives of sustainable development as identified by the Framework. I have also concluded that the proposal would accord with policies CS10 and CS11 of the CS. I also agree with the main parties that the proposal would comply with policies CS1 and CS5 of the CS although for the reasons I have set out above, I consider only limited weight can be attached to these policies. The proposal can therefore be seen to be consistent with the development plan when read as a whole. The proposal therefore accords with the 3rd bullet point of paragraph 14 of the Framework.

58. For the reasons set out above and taking into account all other matters raised, I therefore conclude that the appeal should be allowed.

Christa Masters

INSPECTOR

Richborough Estates

SCHEDULE OF CONDITIONS

- 1) Detailed plans and particulars of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and shall show:
 - i. Layout of the development;
 - ii. Scale of the development;
 - iii. Appearance of the development;
 - iv. A landscaping scheme to include details of any existing trees, hedgerows and shrubs to be retained and measures of protection during development; new planting including plant type, size, quantities and locations; other surface treatments; fencing and boundary treatments; any changes in levels; the position of service and/or drainage runs and a management plan which will set out the management prescriptions for managing and maintaining the measures set out in the landscaping scheme for a period of at least 5 years from the completion of the Landscaping Scheme; and,
 - v. Compliance with Blaby District Council's Housing Mix and Affordable Housing Supplementary Planning Document.
The development shall be carried out in accordance with these approved details.
- 2) Application for approval of reserved matters shall be made within 3 years from the date of this permission and the development shall be begun not later than whichever is the later of the following dates: (i) Five years from the date of this permission; or (ii) Two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) Access to the site shall be carried out in full accordance with the details shown on drawing 3136_IT_C in so far as it relates to the access to the site only. No more than five dwellings shall be accessed directly off the proposed Forest Road vehicular access.
- 4) The reserved matters application shall be accompanied by a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme shall be subsequently implemented and retained and maintained in perpetuity in accordance with the approved details before the occupation of the final dwelling. The scheme to be submitted shall demonstrate:
 - i. The utilisation of at least one above ground holding sustainable drainage technique in conjunction with permeable paving;
 - ii. The limitation of surface water run-off to equivalent greenfield rates;
 - iii. The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
 - iv. Full details of the future maintenance of drainage features.
- 5) The reserved matters application shall be accompanied by a waste collection strategy which demonstrates how each property on this development shall be accessed by waste and re-cycling collection vehicles (26 tonne lorries) and how the waste recycling bins shall be stored at each property on the development and presented to these vehicles on the respective waste collection day. The development shall be constructed to

- incorporate the features contained in the approved waste collection strategy.
- 6) The approved landscaping scheme shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 - 7) Before the development hereby permitted is commenced, details of the finished floor levels of each building shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 8) The reserved matters application shall be accompanied by full details of mitigation measures to be incorporated into the development for protection of and compensatory habitats of protected species, including details of the timing of the implementation of these measures. The submitted details shall be in full accordance with the recommendations of the Deltasimons Updated Extended Phase 1 Habitat Survey report, October 2014. The development shall be carried out in accordance with the approved details.
 - 9) No development shall commence until a programme of archaeological work (Earthwork Survey), including a Written Scheme of Archaeological Investigation, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:
 - i. The programme and methodology of site investigation and recording;
 - ii. The programme for post-investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation; and,
Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Archaeological InvestigationNo development shall take place other than in accordance with the approved Written Scheme of Archaeological Investigation.
 - 10) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Archaeological Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
 - 11) All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in the 6Cs Design Guide document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and shall be submitted for approval by the Local Planning Authority before development commences.
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- 12) No development shall commence until details of the design for off-site highway works to the Huncote Road/Coventry Road, Narborough junction as specified by drawing P732/101 contained within the Transport Assessment and Travel Plan (January 2015) have been submitted to and approved in writing by the Local Planning Authority. The approved off-site highway works shall be completed prior to the occupation of the 26th dwelling unless otherwise agreed in writing with the Local Planning Authority.
- 13) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- 14) No development shall commence until details of works to upgrade the footpath along Huncote Road/Narborough Road between Huncote and Narborough have been submitted and approved in writing by the Local Planning Authority. The details shall comply with the design standards of the Leicestershire County Council as contained within the 6Cs Design Guide document. The works to upgrade the footpath shall be completed in accordance with the approved details prior to the occupation of the 26th dwelling.

APPERANCES

FOR THE LOCAL PLANNING AUTHORITY:

Alistair Mills Landmark Chambers

He called

Jonathan Weekes BSc (Hons)

MA TP MRTPI

Aitcheson Rafferty on behalf of

Blaby District Council

FOR THE APPELLANTS:

Charles Banner Landmark Chambers

He called

Brian Plumb BSc (HONS),

C.ENG, MICE, MCIHT

RPS

Mike Downes BA BPI MRTPI

Aspbury Planning Limited

INTERESTED PERSONS:

Rhys Cowsill

Local Resident

Stuart Bacon

Huncote Parish Council

Mike Lee

Fosse Villages Neighbourhood Plans Group

Anthony Edwards

Local Resident

Cllr Maggie Wright

Councillor

Helen Johnson

Landowner

Richborough Estates

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Notification of Inquiry and arrangements letter
2. Schedule of suggested conditions agreed between the main parties
3. Map extract of local road, cycle and footpath network
4. Leicester south cycle network map
5. Bus route and timetable for X55 service
6. Signed Section 106 Agreement
7. Appellants opening Statement
8. Councils opening Statement
9. Extract from Office of National Statistics 2015, Internet access and usage
10. Drawing JNY8826-02 bus route map
11. Core Documents CD 5.1 – 5.9
12. Blaby District Council Local plan (Core Strategy) 2013
13. Stirling Maynard Review of Transportation Issues, March 2012
14. Map and photographs submitted by Mr Cowsill
15. Statement on behalf of Mr Lee, Chairman Fosse Villages Neighbourhood Plan
16. Statement on behalf of Mr Edwards
17. Statement and photographs on behalf of Mr Bacon, Huncote Parish Council
18. Extract from Department of Transport LTN 1/04 Policy, Planning and Design for walking and Cycling
19. Statement on behalf of Helen Johnson
20. Extracts regarding childminding facilities in Huncote
21. WSP Plan regarding Traffic Surveys
22. Closing Submissions on behalf of the Council
23. Closing Submissions on behalf of the appellant