

Leicester
City Council

**SPECIAL MEETING OF THE PLANNING AND DEVELOPMENT
CONTROL COMMITTEE**

DATE: WEDNESDAY, 30 OCTOBER 2013
TIME: 6:00 pm
**PLACE: THE MAIN HALL, FIRST FLOOR, AFRICAN CARIBBEAN
CENTRE, MAIDSTONE ROAD, LEICESTER LE2 0UA**

Please note the change from our usual venue in the Town Hall. The main hall in the African Caribbean Centre has a larger capacity than any of the meeting rooms in the Town Hall and will accommodate up to 200 people.

There is provision for public speaking at committee for those people who have previously submitted a written representation. Further details on this can be found at www.leicester.gov.uk/speakingatplanningcommittee

or by contacting Democratic Support as detailed below.

Members of the Committee

Councillor Kitterick (Chair)
Councillor Shelton (Vice-Chair)

Councillors Dr Barton, Dr Chowdhury, Clarke, Fonseca, Joshi, Dr Moore, Sandhu and Unsworth.
One non-group Member vacancy.

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for The Monitoring Officer

Officer contact: Julie Harget/ Jason Tyler
Democratic Support,
Leicester City Council

Town Hall, Town Hall Square, Leicester LE1 9BG
(Tel. 0116 229 8809/ 8816 Fax. 0116 229 8819)

Email: julie.harget@leicester.gov.uk / jason.tyler@leicester.gov.uk

INFORMATION FOR MEMBERS OF THE PUBLIC

ACCESS TO INFORMATION AND MEETINGS

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Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

BRAILLE/AUDIO TAPE/TRANSLATION

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

WHEELCHAIR ACCESS

Disabled access is available to all floors at the African Caribbean Centre via a lift. The meeting will be held in the main hall on the first floor.

General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Julie Harget or Jason Tyler on (0116) 229 8809/8816 or email julie.harget@leicester.gov.uk or jason.tyler@leicester.gov.uk or call in at the Town Hall.

Press Enquiries - please phone the Communications Unit on 252 6081

PUBLIC SESSION

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are asked to declare any interests they may have in the business to be discussed and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Director of Corporate Governance will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

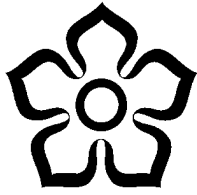
Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Director of Corporate Governance will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Director of Corporate Governance or the Committee's legal adviser prior to the committee meeting.

3. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

The Committee is asked to consider the recommendations of the Director, Planning and Economic Development contained in the attached reports, within the categories identified in the index appended to the reports.

4. ANY OTHER URGENT BUSINESS

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Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 30th October 2013

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning, Transportation & Economic Development

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with the provision of Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. These include supplementary planning documents, site-specific development briefs produced by the City Council, and relevant national policy. Individual reports refer to the policies relevant to the recommendation.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

4 Equalities and personal circumstances

- 4.1 Planning application decisions are monitored by the ethnicity of the applicant. It is established policy not to identify individual applicants by ethnic origin, as this would be against assurances of confidentiality. I am also unable to give numbers of applications in each group as in some cases these are so small that individual applicants could be identified. The results of this monitoring are included in one of the quarterly monitoring reports about performance of the service.
- 4.2 The City Council must also assess impact in race equality terms before approving major developments and must show that they have properly applied the principles of section 71 of the Race Relations Act whenever taking a significant planning decision. Section 71 of the Act requires that “due regard” be given to risks of unlawful discrimination and the need to promote equality of opportunity and good race relations between persons of different racial groups when public authorities exercise their functions.
- 4.3 Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

- 4.4 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the

Planning Management and Delivery Group budget which includes the income expected to be generated by planning application fees.

- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of dealing with those impacts, such as increased demand for school places, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy Regulations 2010. Recommendations to secure planning obligations are included in relevant individual reports.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is the material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private life in the family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.

- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6.

9 Background Papers

Copies of individual planning applications are available for inspection in the Customer Service Centre, New Walk Centre, on screen at relevant local customer service centres and on line at www.leicester.gov.uk/planning. Comments and representations on individual applications are kept on application files, which can be inspected by contacting the Planning Service on extension 7286 or on line in the relevant application record.

10 Consultations

Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

Mike Richardson, Head of Planning, 454 2961.

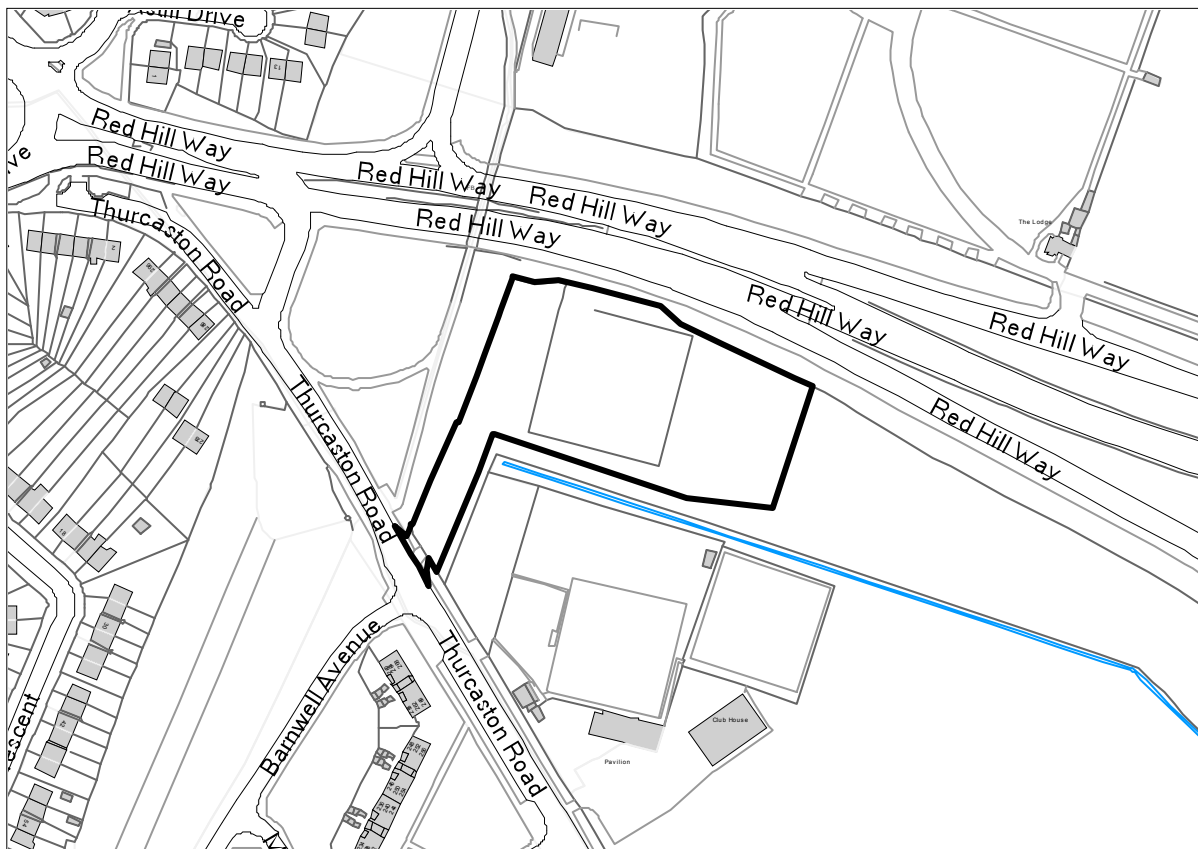
**INDEX
APPLICATION ORDER**

Page Main	Page Supp	Application Number	Address	Ward
6		20131493	THURCASTON ROAD, FORMER CORAH SPORTS GROUND	AB
23		20131494	GREENGATE LANE, LAND TO NORTH OF	BL

**INDEX
ADDRESS ORDER**

Page Main	Page Supp	Application Number	Address	Ward
23		20131494	GREENGATE LANE, LAND TO NORTH OF	BL
6		20131493	THURCASTON ROAD, FORMER CORAH SPORTS GROUND	AB

Recommendation: Conditional approval	
20131493	THURCASTON ROAD, FORMER CORAH SPORTS GROUND
Proposal:	CHANGE OF USE OF FORMER SPORTS GROUND TO GYPSY AND TRAVELLER SITE WITH TEN PITCHES AND TEN AMENITY BUILDINGS
Applicant:	FRAMEWORK HOUSING ASSOCIATION
App type:	Change of use
Status:	Smallscale Major Development
Expiry Date:	11 November 2013
WJJ	WARD: Abbey



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Introduction

The site is a former sports ground. To the north is Redhill Way and to the south is Thurcaston Road. To the south the site also borders the Belgrave Bowling Club. To the west is a public footpath running from Thurcaston Road to a pedestrian bridge that crosses Redhill Way. To the east is an area of undeveloped land which is steadily reforesting before reaching Abbey Lane (the A6). There is a footpath that runs from Abbey Lane along the northern boundary of the Belgrave Rugby Football Club and Belgrave Bowling Club before joining Thurcaston Lane and the other footpath leading to the footbridge over Redhill Way.

Background

The site formerly provided a sports ground for the Corah Company and has not been in formal use since the early 1990s. It originally formed part of a larger site that was reduced in size by the construction of Red Hill Way in 1988/89. The application site consists of former tennis courts and a bowling green which were used by Corah's staff. Since this use ceased, the site has become overgrown.

In 1992 permission was granted for use as a car park. In 1990 permission for fifty-one flats was refused and an appeal dismissed. Permission for twenty-eight one and two storey starter homes was refused in the same year.

Leicester presently has one Gypsy and Traveller site at Meynells Gorse. It was built in 1973, extended in the 1990's, and now operates to capacity. For many years there have been frequent unauthorised encampments in the city, especially in the northwest part.

This site is one of the three sites that were the subject of public consultation undertaken by the City Council between February and July 2012 as part of a wider exercise to identify potentially suitable Gypsy and Traveller sites in the city. The purpose of that consultation was to identify potential sites to be brought forward by way of a planning application. The site identification exercise should not be considered a material consideration in the determination of this planning application which must be considered on its own merits.

Another application for a Gypsy and Traveller Site with six pitches on Greengate Lane has also been made by Framework Housing Association.

The Proposal

The proposal is for a permanent Gypsy and Traveller Site with ten pitches. Permanent sites are ones on which the same families are based all year round, although they may travel for short periods of the year. These differ from transit sites which are used by different families for short periods only when passing through the area.

The site would be accessed off Thurcaston Road, would have a T shaped cul-de-sac layout, single storey amenity buildings and hard standings. A pitch acts as a family unit, and will have an amenity building and space for one static caravan (or two touring caravans), one touring caravan and parking for two vehicles. The amenity building will provide a day space, kitchen and shower room. Sleeping accommodation is provided in the caravans which are owned by resident families.

The site will be managed by Framework Housing Association and I understand they will build it using a grant from the Homes and Communities Agency. The site is owned by Leicester City Council and is likely to be leased to Framework.

Publicity

On receipt of the application the Council has published a notice in the Leicester Mercury, posted site notices around the site and has written to those who commented on the three possible locations for Gypsy and Traveller sites in the northwest part of the city under the consultation in 2012.

Policy Considerations

The National Planning Policy Framework (NPPF) states that when making decisions on Gypsy and Traveller sites local authorities should have regard to the policies in the Framework and that it should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS).

The following provisions in the NPPF are particularly relevant to this application.

1. paragraph 14, the presumption in favour of sustainable development;
2. paragraph 49. Housing applications need to be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites;
3. paragraph 7, the three dimensions of sustainability;
4. paragraph 186, positive approach to decision making;
5. paragraph 187, look for solutions rather than problems;
6. paragraph 196. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration;
7. paragraph 203, consider the use of conditions to make otherwise unacceptable development acceptable;
8. paragraph 215, from the 27th of March 2013 give 'due weight' to policies in development plans according to their degree of consistency with the NPPF

With regards to Planning Policy for Traveller Sites the following are particularly relevant to this application:

1. paragraph 3, the overarching aim to 'ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community';
2. paragraph 4, government aims: that local planning authorities should make their own assessment of need for the purposes of planning; to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites; to encourage local planning authorities to plan for sites over a reasonable timescale; that plan-making and decision-taking should protect Green Belt from inappropriate development ; to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites; that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective; for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies; to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply; to reduce tensions between settled and traveller communities in plan-making and planning decisions; to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure; for local planning authorities to have due regard to the protection of local amenity and local environment.

3. paragraph 6, the need for robust evidence including early community engagement, working with travellers, establish accommodation needs;
4. paragraph 9a and footnote 7, the local planning authority is required to have a five-year supply of 'specific deliverable sites': i.e. sites which are 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable'.
5. paragraph 11, traveller sites must be sustainable;
6. paragraph 21, local planning authority should apply the presumption in favour of sustainable development in relation to sites;
7. paragraph 22, matters to consider amongst other relevant matters including local provision and need, personal circumstances, use of locally specific criteria, that need should not be based on travellers with a local connection only;
8. paragraph 24, local planning authority should attach weight to the effective use of previously developed (brownfield), untidy or derelict land;
9. paragraph 25 and 28, for applications made after the 27th of March 2013 if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

The most relevant local policies are as follows:

- Core Strategy policy CS9 – Gypsy and Traveller and Showpeople Accommodation. When assessing proposals for sites regard will be given to assessment of need and the level of existing provision.
- Core Strategy policy CS13 – Green Network. The Council will seek to maintain and enhance the quality of the green network and maintain green wedges.
- Local Plan policy GE06 – Protection of Green Wedges. The Council seeks to maintain the mainly open and undeveloped character of green wedges, separation between settlements, agricultural and forestry operations, recreational and leisure access.

All development plan policies relevant to this application are listed at the end of this report.

The Department of Communities and Local Government (DCLG) has produced informal design guidance entitled 'Gypsy and Traveller Sites – Good Practice Guide' (2008). This provides detailed design guidance for sites.

The site is within a Biodiversity Enhancement Site (BES). Such areas have the potential for biodiversity enhancement and this should be sought in new development. Between the southeast corner of the site and Abbey Lane is a row of lime trees which are protected by a Tree Preservation Order (TPO). TPOs are applied to trees that make a significant contribution to the public realm to provide them with protection.

With regards to fluvial flooding (watercourses) the site is within Flood Zone 1 (estimated as less frequent than one in one thousand year risk of flooding). With regards to pluvial flooding (rainfall) it is neither within a Critical Drainage Area or Hotspot as detailed in the Surface Water Management Plan. The site has a very low risk of flooding.

Supplementary Planning Document (SPD) – Residential Amenity. Seeks to provide a good living environment to residents.

Supplementary Planning Guidance (SPG) – Vehicle Parking Standards. Seeks to ensure developments have appropriate levels of parking.

Supplementary Planning Document (SPD) – Energy Efficiency and Renewable Energy. Seeks to ensure developments are efficient in their use of energy and make use of renewable forms of energy.

Supplementary Planning Document (SPD) – Green Space. To ensure residents have access to green space (playing fields, playgrounds, allotments, etc) of reasonable quantity and quality.

Supplementary Planning Document (SPD) - Affordable Housing. Seeks to provide for the housing needs of the city.

Supplementary Planning Guidance (SPG) – Biodiversity in Leicester. Seeks to maintain and improve biodiversity in the city.

Supplementary Planning Guidance (SPG) – Tree Protection. To ensure trees that make a significant positive contribution to the public realm are protected.

Consultations

Highway Authority – The site does not raise any highway concerns. Conditions should be attached to ensure details are implemented in an acceptable manner.

Severn Trent Water – No objection subject to adequate drainage.

Environmental Services, Land Pollution Team – There is no evidence for or concerns regarding contaminated land at this site.

Environmental Services, Noise Pollution Team – No objection.

Housing Authority - The proposed site will help meet the disparity between supply and demand for this type of accommodation in the city. The design of the site, the management plan and the commitment of Framework to providing the pitches on an affordable rent basis is endorsed.

Multi Agency Traveller Unit (MATU) – The site will help accommodate Gypsy and Traveller families in the area who presently have no authorised pitch to use.

Representations

Birstall Parish Council object on the following grounds: the allocation of the site in advance of the Development Plan Documents would prejudice the development plan process; harmful to the Green Wedge due to new buildings, loss of greenery and separation of settlements; past planning applications were refused due to harm to the Green Wedge and loss of sports facilities and so should the current proposal; loss of wildlife habitat and harm to the green network; the existing pedestrian bridge would overlook the site; the site should have a play area for children within it; the site

does not have good access to community facilities; dangerous access to the highway; would overload the education and health services.

Belgrave Bowling Club. Object on the grounds that there is a restrictive covenant on many houses in the area dated 1935 prohibiting tents and caravans; harmful to the Green Wedge; past planning applications were refused; loss of recreation facilities for which there is an undersupply; travellers have occupied club grounds on two occasions without permission and there is concern there will be more problems in future; double yellow lines should be laid down on Thurcaston Road to prevent parking while vehicles enter the site; there may be problems where the site is close to footpaths.

The LE4 Action Group and their solicitors object as the proposal is contrary to the development plan in two respects. Firstly it conflicts with policy CS09 in the Core Strategy which states that gypsy and traveller sites will be allocated in the Site Allocations and Development Management Policies DPD which has not been produced yet. As such to approve the proposed site would be premature. Secondly the development would harm the Green Wedge which would be contrary to policy CS13 in the Core Strategy and policy GE06 in the Local Plan.

Seventy seven further objections have been received for this site. The grounds of objection are:

- Locations for Gypsy and Traveller sites have not been identified in the development plan document therefore it would be premature to approve the proposal.
- Development is not appropriate for a Green Wedge as it would reduce the gap between Birstall and the city and harm the green and open nature of the area. Previous planning applications on this site were refused and the current scheme should also be refused.
- Loss of recreation area would be detrimental to resident's amenity and an increase in residents in the area will put pressure on existing green space.
- The residents of the site will be overlooked from the footbridge and will suffer noise from traffic on Redhill Way.
- The pitches are too small for most traveller families. This may lead to continued problems with unauthorised encampments.
- The site is not safe for children due to the proximity of roads and there are concerns that the access will not be fit for the volume of traffic.
- The site should have a play area for children to ensure they have a good quality of life.
- The development is detrimental to the character and appearance of the area by reason of the loss of greenery and open space.
- The development is not appropriate in the green network and may harm wildlife including badgers which are a protected species.
- Horses will cause problems as they are not catered for on the site and hence will graze verges nearby.

- Concern about traffic volumes and highway safety. The access may not be safe.
- Concern about crime and anti-social behaviour.
- Harm to the proposed Great Central Railway museum and the neighbouring sports clubs.
- The site is remote from local facilities.
- Harm to the environment.
- Loss of trees.
- Concern as to the viability of the scheme.

The Rt. Hon Stephen Dorrell MP (Charnwood) states he has been approached by the residents of Birstall with regards this application and the proposed Gypsy & Traveller site at Greengate Lane. He questions the evidence on which the case is made for locating traveller pitches at these sites and wishes the Planning Committee to be aware of the opposition of both himself and his constituents to the scheme.

Two representation in support have been received which state it is a good use for a rundown piece of land, would hardly be noticeable, would have minimal impact on traffic and ask the planning committee to support the proposal.

Consideration

Principle

5 Year Supply

The Planning Policy for Travellers Sites (PPTS) requires local planning authorities, in plan making, to demonstrate a 5-year supply of deliverable Gypsy and Traveller sites.

The Core Strategy (CS9) identifies the level of need for permanent pitches (based on the Leicestershire and Leicester Gypsy and Traveller Accommodation Needs Assessment (GTAA) 2007). The need arising in the city for permanent pitches during the plan period is:

Time period	Need arising in city (permanent pitches)
2007-2012	24
2012-2016	3
2016-2021	4
2021-2026	5

No new pitches have been developed in the city since this assessment was produced, and new evidence from a refresh of the GTAA produced in 2013 suggests that this need is now rising. This refresh calculated an updated need arising in the city for permanent pitches as follows:

Time period	Need arising in city (permanent pitches)
2012-2017	35

2017-2022	19
2022-2027	22
2027-2031	21

There is also a waiting list of 81 families for a pitch on the one current Council owned and run site in the city, at Meynells Gorse in Braunstone. The GTAA refresh also recorded that there have been 145 unauthorised encampments in the city between 2006 and 2012. City Council figures show that 60% of these were in Abbey and Beaumont Leys wards.

There are no sites with planning permission for use as a Gypsy and Traveller site in the city, and no other sites have been proposed for Gypsy and Traveller use through the Site Allocations Development Plan Document 'Call for Sites' consultation. I am also unaware of any other private sites that are considered 'available now', 'offer a suitable location for development now' and be 'achievable' with a realistic prospect of delivery within 5 years. The City Council cannot therefore demonstrate a 5-year supply of specific deliverable sites, even if this application site and the application site on Greengate Lane (20131494) were included within the supply.

National Planning Policy Framework (NPPF)

Paragraph 21 of the PPTS states that applications should be assessed in accordance with the presumption in favour of sustainable development.

Paragraph 14 of the NPPF states that "for decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework or taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted."

Paragraph 49 of the NPPF states that housing policies will be out-of-date where the LPA cannot demonstrate a five year supply of deliverable housing sites. It is considered that Gypsy and Traveller site policies should be included under the definition of 'housing policies' as to not to do so would discriminate against Gypsies and Travellers. Because of the lack of a 5-year supply, the Core Strategy housing policies (including Policy CS9: Gypsy and Traveller and Showpeople Accommodation) are therefore out of date and the application needs to be decided under the NPPF Paragraph 14 test.

Paragraph 14 also states that specific policies in the Framework might indicate that development should be restricted. Paragraph 74 is one such example. Paragraph 74 advises against building on existing sports and recreational land unless certain criteria are met. However, in this case, because of the length of time since there was last any substantial sports or recreation use of the land, and because of the planning history of the site, it is judged that it should not be regarded as an "existing facility".

Prematurity

The Core Strategy refers to sites for transit and residential pitches being identified in the Site Allocations and Development Management policies DPD. The City Council's original intention, following the adoption of the Core Strategy in 2010, was to then begin production of a Site Allocations and Development Management Policies Development Plan Document (SA DPD) which, amongst other things, would allocate land to meet all of the requirements set out in the Core Strategy – including Gypsy and Traveller sites.

However because of a number of significant changes at both national and regional level, including the publication of the National Planning Policy Framework, the revocation of regional spatial strategies, the release of 2011 Census figures and the changing housing market, production of this document was delayed, and following a meeting with the Government's Chief Planning Inspector, the Council has now made a decision that rather than continuing with the planned production of a SA DPD, it instead needs to produce a new Local Plan which will both set out strategic policies to replace those in the Core Strategy, and also allocate new land for development.

Work is now beginning on the new Local Plan, with consultation on a draft document expected in 2014 and adoption in 2016. It is proposed that sites for Gypsies and Travellers will be included within the new Local Plan. Given this situation, it is not considered that the application is premature, having regard to paragraphs 17-19 of 'The Planning System: General Planning Principles'.

Local Plan Green Wedge Designation

The site falls within an area designated as Green Wedge, and Local Plan Policy GE06 and Core Strategy Policy CS13 are both relevant. Both policies are considered to be broadly consistent with the NPPF.

Policy GE06 is the only saved Local Plan green wedge policy. It sets out the strategic function of Green wedges and provides criteria against which proposals for development within green wedges should be assessed.

a) Affect the predominantly open and undeveloped character of a green wedge

Development on the proposal site would affect the undeveloped character of the site, and also the openness of the site; hence it would affect the character of the green wedge.

b) Reduce the physical separation between existing settlements; or

The proposal would add to the amount of development within the green wedge and therefore reduce the physical separation between settlements of Leicester and Birstall. However, Red Hill allotments and cemetery in the green wedge to the north of Red Hill way are not affected by the development proposals and would continue to provide a large physical separation between the two urban areas.

c) Prejudice agricultural development and forestry operations.

The development would not prejudice agricultural and forestry operations.

d) Impair the recreational and leisure access to and within green wedges

The proposal would not impair formal recreational and leisure access to the wider green wedge, although it is acknowledged that limited informal recreation (such as dog walking) does occur on the site.

Core Strategy Policy CS13 (Green Network) seeks to protect the function of green wedges. CS13 states that:-

- *Green wedges will be maintained as areas of land that prevent the merging of built up areas of the City and adjoining settlements, guide development and provide a green lung into the inner urban area. Their function as open space for leisure or recreational purposes will be maintained and enhanced. Development within a green wedge will be expected to serve the open space, be of high design quality and of an appropriate scale and size for its location to minimise the visual and environmental impact of the development.*

The proposal is of a relatively small scale and would not cause the “merging” of the built up areas of Leicester and Birstall. The green wedge to the north of Red Hill would be unaffected by the development proposals and therefore a significant area of separation between the two settlements would be retained. The proposal would not significantly reduce the ability of the wider green wedge to guide development and act as “green lung”.

There would not be an impact on the formal function of the green wedge for leisure or recreation as the site is not used for these purposes at present. The proposals are of a high design quality and the development of ten pitches is an appropriate scale and size for its location, and due to existing and new planting surrounding the site, there is very little visual impact from outside the site.

In 1990, permission for housing development was twice refused on the site. The first time the application was for twenty-eight two and single storey houses (19900147). The second time the application was for fifty-two flats in two and three storey properties (19901254). The second application went to appeal, where the refusal was upheld. The Inspector stated that he “considered the main issue to be decided was whether this proposal would cause unacceptable visual harm to a wedge of open land in this part of the city”, which he described as being “in an area where the character is essentially one of open vistas.”

The ‘open vistas’ which were evident in 1990 have now been lost as the vegetation has grown around the site. The site is much more enclosed now and from Red Hill Way it is difficult to look across where the bowling green once stood and see the flats to the south of Thurstaston Road or look across the sportsground and see buildings on Abbey Lane. The visual impact of ten single storey amenity buildings is also less than the two and three storey properties that were proposed in the second 1990 application.

Loss of current use

Although the previous use of the site was as a sports ground, it has not been in active use for this purpose since the early 1990s. Since then has become overgrown and has not been used for any formal purpose. Having regard to paragraph 74 of the NPPF, it is therefore not considered to be an existing facility. The Inspector in the 1990 appeal stated that “I cannot conclude that in this case the loss of an unused bowling green and two overgrown tennis courts represents a clear-cut planning reason for withholding planning permission”. Permission was also granted in 1992 for the use of the site as a car park, intended for use by visitors to the Great Central station to the north of Red Hill Way. Since then at least part of the site, although not easily accessible and overgrown, has been used for limited informal purposes such as dog walking.

The Council’s Open Space study (2007) identified that Abbey ward is well provided for overall green space (particularly in terms of parks and gardens, informal green space and allotments). There is a small undersupply of 2.36 hectares of outdoor

sports facilities and 3.26 hectares of natural greenspace. At 0.61 ha the site is small in size. However the proposal site was not included in the study as it is not in use so is not included in these figures. As such the proposal will not reduce sports facilities or natural greenspace.

Residential amenity

The pitches will be approximately 75 metres from neighbouring dwellings. The SPD – Residential Amenity recommends two storey dwellings be 21m apart where windows face each other. With single storey caravans and amenity buildings and a 75m separation distance the proposed development will not harm neighbours light, outlook and privacy of the occupants of neighbouring dwellings. In terms of concerns about anti-social behaviour the site will be managed by the applicant in a way to avoid problems. The management plan and tenancy agreements seek to safeguard against such problems. Some representations raise concerns that the development will overload existing services. Due to the small scale of the development I do not believe this is significant.

The site is not close to any significant generators of noise and will be shielded from noise from traffic using Redhill Way by new and existing planting and new fencing. The site will not harm the neighbouring sports clubs (bowling club and rugby football club). Sports clubs and residential uses can exist alongside each other without causing significant harm to either. Concern has been raised that the development may harm the proposed Great Central Railway museum. This is likely to be on the far side of the Redhill Way and I do not consider it will be affected by the proposal.

The DCLG Good Practice Guide for Gypsy and Traveller Sites indicates sites should generally provide space for a mobile home, a touring caravan, an amenity building and parking. It also states that sites should generally not have more than fifteen pitches, that a horseshoe layout is preferred and that communal open space without a clear purpose should be avoided. A horseshoe layout could not be fitted onto this site however I believe a small cul-de-sac design will provide a good layout and the design meets the other recommendations. The amenity blocks have been designed and sited so to provide surveillance over each pitch. The 1.8m fences around each plot together with existing and new planting will provide residents with privacy including from views from the raised footpath and footbridge across Redhill Way. Concern has been raised that the site does not have a play area for children. While such features are desirable most housing developments of this size do not have one and I do not believe it would be reasonable to require one here. I consider the site will provide a reasonable level of amenity for gypsy and traveller families.

Framework Housing Association have decided not to cater for horses on this site and animals will be restricted to those of a domestic nature.

The amenity buildings will meet the requirements of the Lifetime Home Standards which are designed to enable people to stay in their homes as their circumstances change.

For new residential development contributions are sought towards off-site Green Space to ensure new and existing residents have facilities for recreation. I recommend a contribution is secured by condition.

Concerns have been raised as to the viability of the scheme. I see no reason to doubt that the scheme is viable.

Character and appearance

The site will be bounded by an outer 1.2m high post and wire fence. The pitches will be bounded by 1.8m high close boarded fences. For much of the site boundary there will be a space between these two fences which will be filled by a swale and planting. The fences around each pitch will provide privacy

Although some trees will be lost the development has been designed to minimise this. I consider this is acceptable subject to new planting. Subject to protection measures during building works the protected lime trees and other trees to be retained will not be harmed by the development.

Due to the low height of the buildings on the site and the extensive existing and proposed planting around the site I consider the site will have an acceptable impact on the character and appearance of the area.

Highway and parking matters

The site will be accessed off Thurcaston Road which is a 'C' classified road with street lighting and a 30mph speed limit. A speed survey submitted with the application indicates the speed limit is generally complied with. Given the nature of the road and the size of the development the access is acceptable.

Heavy goods vehicles (HGVs) are not expected to visit the site except for the delivery of static caravans. The existing access will be widened to allow static caravans to be offloaded within the site rather than on the highway and to provide adequate visibility. Access gates are set back to allow vehicles to pull off the highway while they are opened. Each pitch has parking for two cars or small vans. A turning head is provided within the site so vehicles can enter and leave in a forward direction.

The access to the site will be crossed by the footpath from Abbey Lane leading to the steps close to the footbridge across Redhill Way. I recommend road humps and illumination at the intersection of the access road and footpath are secured by condition.

Environmental impacts

While the removal of trees will result in the loss of some wildlife habitat this will be compensated for by new planting and swales. Concern has been raised that there may be protected species on the site, especially badgers. An ecological survey has been carried out which indicates the impact of the development will be acceptable. I recommend that conditions are attached to secure lighting with minimal harm to wildlife, bat boxes, badger protection measures and a repeat ecological survey if development does not occur within twenty four months of the current one. The repeat survey will ensure mitigation measures can be put in place should the ecology of the site change in the future.

I recommend that a condition be attached to ensure foul drainage is acceptable. A Sustainable Drainage System (SuDS) that consists of a swale around the site will allow for the slow run off of surface water. The site will not contribute to surface water flooding.

Planning policy BE16 states that 17% of the energy needs of the site should be generated through on-site renewable energy. CS02 states that greenhouse gas emissions should be reduced through the appropriate choice of materials in

construction. Framework Housing Association intend to provide power and heat through mains electricity alone as this provides a robust and simple system that will cope with the variable nature of the use of the site. Given these requirements I consider that on-site renewable energy is not a suitable option here and that the reduction in greenhouse gas emissions should be sought through other methods. I therefore recommend a condition be attached to secure appropriate materials are used in the construction of the amenity buildings.

Overall the development will not be harmful to the environment and will result in some improvements through new planting and SuDS.

Conclusion

The development does not comply with the development plan, because of non-compliance with the Green Wedge policies, however, it would be in accordance with the presumption in favour of sustainable development, as set out in the NPPF and PPTS, and it would help to meet some of the need that currently exists in the city for pitches. The scale of the proposal and the existing and proposed additional landscaping proposed ensures that the impact on neighbouring residential properties is acceptable in planning terms. The site also has good links to facilities in the city.

I consider the impact on the Green Wedge to be outweighed by the need to provide accommodation for Gypsy and Traveller families. The visual impact on the Green Wedge, and the impact on the character and appearance of the area and neighbouring residents will be minimised by the existing and proposed planting around the site and because the development is single storey.

I recommend APPROVAL subject to conditions.

CONDITIONS

1. START WITHIN THREE YEARS
2. The site shall be managed in accordance with the Operation & Management Statement submitted with the planning application. (To ensure the site is managed in an appropriate way.)
3. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
4. All street works shall be constructed in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)
5. No part of the development shall be occupied until the footway crossing has been altered in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve

satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

6. A turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

7. No pitch shall be occupied until bollards or another method to prevent parking on the verge adjacent to the access drive have been installed to the satisfaction of the City Council as local planning authority. (To ensure inappropriate parking does not take place in accordance with policy CS03 of the Core Strategy.)

8. Any gates shall be set back to allow a Heavy Goods Vehicle to pull off the highway prior to them being opened. They shall remain so at all times. (In the interests of highway safety and in accordance with policy CS03 of the Core Strategy.)

9. Development shall not commence until details of the fabric of the amenity buildings detailing how it will contribute to a reduction in greenhouse gas emissions have been submitted to and approved by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. (To reduce greenhouse gas emissions in accordance with policies BE16 of the Local Plan and CS02 in the Core Strategy.)

10. All trees near the site subject to a Tree Preservation Order and ones both on and off the site to be retained shall be protected from damage during building operations, in accordance with details to be submitted to and approved by the City Council as local planning authority. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

11. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the approved details. (To reduce the risk of flooding and in accordance with policy BE20 of the City of Leicester Local Plan and CS02 of the Core Strategy.)

12. No pitch shall be occupied until foul drainage has been implemented in accordance with details first agreed in writing by the City Council as local planning authority. (To avoid flooding and protect the water environment in accordance with policy BE20 of the City of Leicester local plan and policy CS02 of the Core Strategy.)

13. Before the development is begun, a landscaping scheme showing the treatment of all parts of the site, including details of trees and shrubs to be planted, shall be submitted to and approved by the City Council as local planning authority. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in

accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

14. Before the development is begun a detailed design plan of external lighting to be used shall be submitted and approved in writing by the local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site. The approved scheme shall be implemented and retained thereafter. (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS 17 Biodiversity of the Core Strategy)

15. Should the development not commence within 24 months of the date of the last protected species survey (May 2013), then a further protected species survey shall be carried out of all buildings, trees and other features by a suitably qualified ecologist. The survey results shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out before the development is begun. Thereafter the survey should be repeated bi-annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy).

16. The development shall not commence until details of bird and bat boxes to be incorporated within the elevations of the proposed buildings or installed around the site have been submitted to and agreed in writing with the City Council as local planning authority. The development shall be carried out in accordance with the agreed details and the agreed features retained thereafter (In the interest of biodiversity and in accordance with Policy CS 17 Biodiversity of the Core Strategy).

17. No works shall commence on the site until ecological mitigation schemes have been submitted and approved in writing by the local planning authority. The schemes should include details of methodologies for the protection of existing features such as trees and hedgerows and associated fauna and should include details of fencing and timing of operations; tree, shrub and hedgerow planting and aftercare proposals; and habitats (hedgerow, meadow and tree planting) to be newly created or existing habitats to be enhanced and ten years aftercare proposals including construction, seeding, planting and establishment and replacement details (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy).

18. During development any deep excavations shall be covered or ramped to ensure badgers have a means of escape should they become trapped. If during the proposed development works any badger setts are found at the site or within 30 metres of the site, all works should cease immediately and a suitably qualified ecologist should be consulted. (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy)

19. Prior to the occupation of any pitch arrangements are to be made for a contribution to the improvement or provision of off-site Green Space in the city unless otherwise agreed in writing by the City Council as local planning authority. (To meet the recreational needs of residents in accordance with policy CS13 of the Core Strategy.)

NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For any works or other related activity such as dropped kerbs, skips, scaffolds etc., on or adjacent to the highway you are required to submit the highway approval form (Form 1) which can be found on our website <http://www.leicester.gov.uk/your-council-services/transport-traffic/highways/activities-on-the-highway/>

Failure to complete this application form and provide adequate notice will result in delays to the development works.

2. With respect to condition 10 above, the fencing required should be welded mesh panels securely fixed to a scaffold frame work with uprights driven well into the ground and in this case should be provided not within the root protection area in accordance with details agreed with the city council in advance. In most cases this equates to 12 times the diameter of the tree when measured at 1.5m height from ground level. The applicant is advised to visit <http://shop.bsigroup.com/en/ProductDetail/?pid=00000000030213642> to find out further information in respect of BS 5837:2012.

3. Development may impact on protected species of wildlife. It is a criminal offence to kill, injure or disturb protected species and their habitat in accordance with the Wildlife and Countryside Act (1981) as amended and The Habitat & Species Regulations (2010). Vegetation should be cleared by handtools only and if, during the development a protected species is found, work must cease immediately and a suitably qualified ecologist or Natural England be contacted. Contact details for Natural England are: 0845 600 3078 8.30am - 4.15pm (Monday - Friday). Great Crested Newts and Reptiles are UK and European protected species. The ecology survey found the habitat to be suitable for both species and during development appropriate action is required should any protected species be found.

4. Development on the site shall avoid the bird nesting season (March to September), but if necessary a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and details of findings submitted to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in use. All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

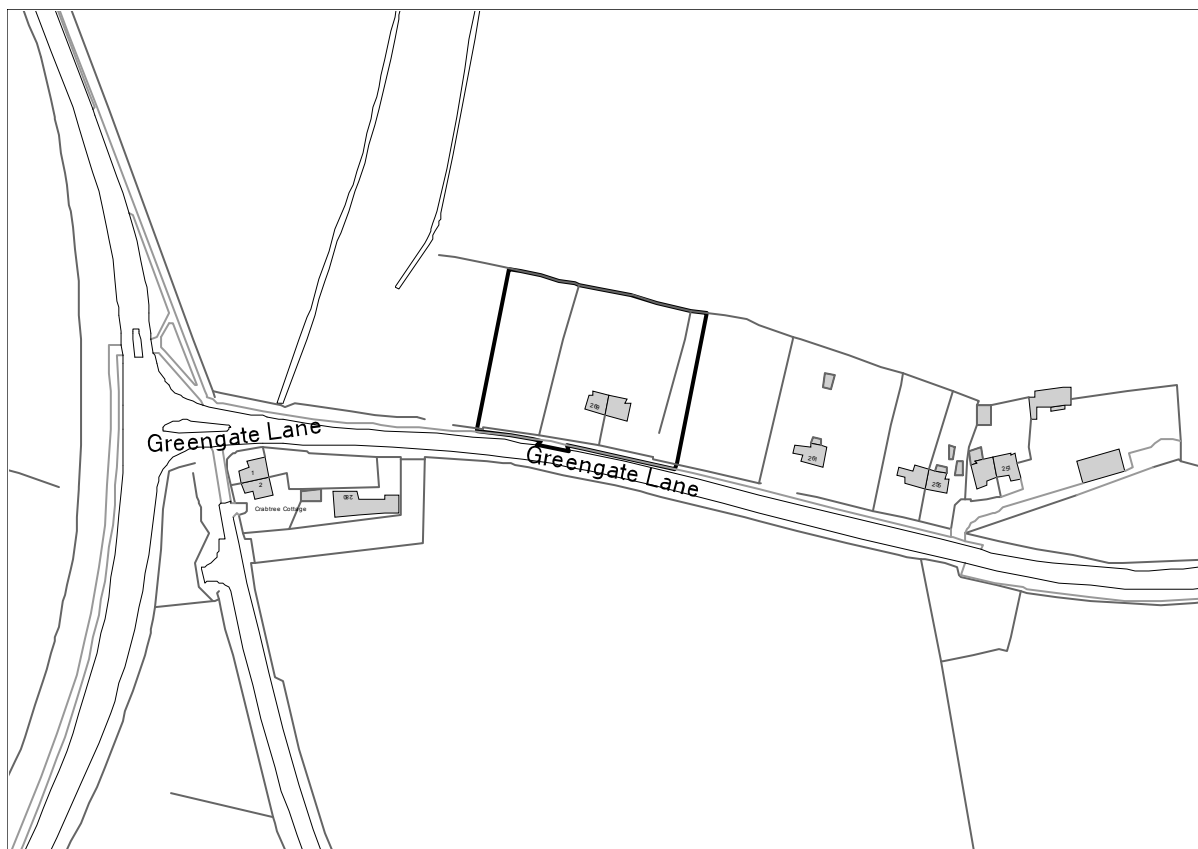
Policies relating to this recommendation

2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.

2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.

2006_AM12	Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
2006_BE16	Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.
2006_BE20	Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
2006_GE06	Sets out the criteria for assessing proposed development within, and adjacent to, green wedges.
2006_GE09	Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_UD06	New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
2010_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2010_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2010_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2010_CS07	New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
2010_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
2010_CS09	When considering proposals for sites for Gypsies and Travellers and Travelling Show People, regard will be given to the assessment of need and the level of existing provision. The policy sets out the considerations which will be taken into account in the determination of locations for gypsy and traveller sites and sites for travelling show people.
2010_CS13	The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.
2010_CS14	The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
2010_CS17	The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
2010_CS19	New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.

Recommendation: Conditional approval	
20131494	GREENGATE LANE, LAND TO NORTH OF
Proposal:	DEMOLITION OF EXISTING BUILDINGS; CHANGE OF USE OF LAND FROM HOUSES/GARDENS TO GYPSY AND TRAVELLER SITE WITH SIX PITCHES AND SIX AMENITY BUILDINGS
Applicant:	FRAMEWORK HOUSING ASSOCIATION
App type:	Change of use
Status:	Change of use
Expiry Date:	7 October 2013
WJJ	WARD: Beaumont Leys



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Introduction

The site formerly contained chalet style housing with gardens. Most of these have been removed since the 1990's although part of number 267 is still standing. The site lies largely in green space with a number of residential properties nearby along Greengate Lane. Birstall lies to the east and Beaumont Leys to the west. There are

fields to the north and south and a small belt of trees immediately to the west. The fields to the south are part of the proposed Ashton Green development.

Background

Most of the proposed site is within the former plots of 267 and 269 Greengate Lane but it also includes part of number 271 and 265.

Leicester presently has one Gypsy and Traveller site at Meynells Gorse. It was built in 1973, extended in the 1990's, and now operates to capacity. For many years there have been frequent unauthorised encampments in the city, especially in the northwest part.

Part of the site is currently occupied by one Gypsy family that has been tolerated by the Council since 2009.

This site is one of the three sites that were the subject of public consultation undertaken by the City Council between February and July 2012 as part of a wider exercise to identify potentially suitable Gypsy and Traveller sites in the city. The purpose of that consultation was to identify potential sites to be brought forward by way of a planning application. The site identification exercise should not be considered a material consideration in the determination of this planning application which must be considered on its own merits.

Another application for a Gypsy and Traveller Site with ten pitches on Thurcaston Road has also been made by Framework Housing Association.

The Proposal

The proposal is for a permanent Gypsy and Traveller Site with six pitches. Permanent sites are ones on which the same families are based all year round, although they may travel for short periods of the year. These differ from transit sites which are used by different families for short periods only when passing through the area.

The site would be accessed off Greengate Lane, would have a T shaped cul-de-sac layout, single storey amenity buildings and hard standings. A pitch acts as a family unit, and will have an amenity building and space for one static caravan (or two touring caravans), one touring caravan and parking for two vehicles. The amenity building will provide a day space, kitchen and shower room. Sleeping accommodation is provided in the caravans which are owned by resident families.

The site will be managed by Framework Housing Association and I understand they will build it using a grant from the Homes and Communities Agency. The site is owned by Leicester City Council and Property Services have indicated it is likely to be leased to Framework.

Publicity

On receipt of the application the Council published a notice in the Leicester Mercury, posted site notices around the site, has written to the occupiers of dwellings nearby, and has written to those who commented on the three possible locations for Gypsy and Traveller sites in the northwest part of the city under the consultation in 2012.

Policy Considerations

The National Planning Policy Framework (NPPF) states that when making decisions on Gypsy and Traveller sites local authorities should have regard to the policies in

the Framework and that it should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS).

The following provisions in the NPPF are particularly relevant to this application.

9. paragraph 14, the presumption in favour of sustainable development;
10. paragraph 49. Housing applications need to be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites;
11. paragraph 7, the three dimensions of sustainability;
12. paragraph 186, positive approach to decision making;
13. paragraph 187, look for solutions rather than problems;
14. paragraph 196. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration;
15. paragraph 203, consider the use of conditions to make otherwise unacceptable development acceptable;
16. paragraph 215, from 27th March 2013 give 'due weight' to policies in development plans according to their degree of consistency with the NPPF

With regards to Planning Policy for Traveller Sites the following are particularly relevant to this application:

10. paragraph 3, the overarching aim to 'ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community';
11. paragraph 4, government aims: that local planning authorities should make their own assessment of need for the purposes of planning; to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites; to encourage local planning authorities to plan for sites over a reasonable timescale; that plan-making and decision-taking should protect Green Belt from inappropriate development ; to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites; that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective; for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies; to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply; to reduce tensions between settled and traveller communities in plan-making and planning decisions; to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure; for local planning authorities to have due regard to the protection of local amenity and local environment.
12. paragraph 6, the need for robust evidence including early community engagement, working with travellers, establish accommodation needs;

13. paragraph 9a and footnote 7, the local planning authority is required to have a five-year supply of 'specific deliverable sites': i.e. sites which are 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that development will be delivered on the site within five years and in particular that development of the site is viable'.
14. paragraph 11, traveller sites must be sustainable;
15. paragraph 21, local planning authority should apply the presumption in favour of sustainable development in relation to sites;
16. paragraph 22, matters to consider amongst other relevant matters including local provision and need, personal circumstances, use of locally specific criteria, that need should not be based on travellers with a local connection only;
17. paragraph 24, local planning authority should attach weight to the effective use of previously developed (brownfield), untidy or derelict land;
18. paragraph 25 and 28, for applications made after the 27th of March 2013 if a local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

The most relevant local policies are as follows:

- Core Strategy policy CS9 – Gypsy and Traveller and Showpeople Accommodation. When assessing proposals for sites regard will be given to assessment of need and the level of existing provision.
- Core Strategy policy CS13 – Green Network. The Council will seek to maintain and enhance the quality of the green network and maintain green wedges.
- Local Plan policy GE06 – Protection of Green Wedges. The Council seeks to maintain the mainly open and undeveloped character of green wedges, separation between settlements, agricultural and forestry operations, recreational and leisure access.

All development plan policies relevant to this application are listed at the end of this report.

The Department of Communities and Local Government (DCLG) has produced informal design guidance entitled 'Gypsy and Traveller Sites – Good Practice Guide' (2008). This provides detailed design guidance for sites.

The site adjoins a Biodiversity Enhancement Site (BES). Such areas have the potential for biodiversity enhancement and this should be sought in new development.

With regards to fluvial flooding (watercourses) the site is within Flood Zone 1 (estimated as less frequent than one in one thousand year risk of flooding). With regards to pluvial flooding (rainfall) it is neither within a Critical Drainage Area or Hotspot as detailed in the Surface Water Management Plan. The site has a very low risk of flooding.

Supplementary Planning Document (SPD) – Residential Amenity. Seeks to provide a good living environment to residents.

Supplementary Planning Guidance (SPG) – Vehicle Parking Standards. Seeks to ensure developments have appropriate levels of parking.

Supplementary Planning Document (SPD) – Energy Efficiency and Renewable Energy. Seeks to ensure developments are efficient in their use of energy and make use of renewable forms of energy.

Supplementary Planning Document (SPD) – Green Space. To ensure residents have access to green space (playing fields, playgrounds, allotments, etc) of reasonable quantity and quality.

Supplementary Planning Document (SPD) - Affordable Housing. Seeks to provide for the housing needs of the city.

Supplementary Planning Guidance (SPG) – Biodiversity in Leicester. Seeks to maintain and improve biodiversity in the city.

Supplementary Planning Guidance (SPG) – Tree Protection. To ensure trees that make a significant positive contribution to the public realm are protected.

Consultations

Highway Authority – The site does not raise any highway concerns. Conditions should be attached to ensure details are implemented in an acceptable manner.

Severn Trent Water – No objection subject to adequate drainage.

Environmental Services, Land Pollution Team – There is no evidence for or concerns regarding contaminated land at this site.

Environmental Services, Noise Pollution Team – No objection.

Housing Authority - The proposed site will help meet the disparity between supply and demand for this type of accommodation in the city. The design of the site, the management plan and the commitment of Framework to providing the pitches on an affordable rent basis is endorsed.

Multi Agency Traveller Unit (MATU) – The site will help accommodate Gypsy and Traveller families in the area who presently have no authorised pitch to use.

Representations

Charnwood Borough Council Planning Authority. Object in the light of concerns raised by Leicestershire County Council Highway Authority. They consider the speed survey which was submitted with the application was not conducted properly. Had it been, it is likely a 120m visibility splay would be required on highway safety grounds. They consider it is not clear whether such a visibility splay can be provided on land controlled by the applicant. Greengate Lane is a substandard highway and is a cause for concern as the number of pedestrians using the lane to go to Birstall is likely to increase as a result of the development. They believe local planning authorities should limit new Gypsy and Traveller sites in open countryside and consider that the site is not close to services and therefore does not encourage sustainable travel.

Birstall Parish Council and Thurgate & Cropston Parish Council object on the following grounds: the allocation of the site in advance of the Development Plan Documents would prejudice the development plan process; the site was not included

in Ashton Green proposals and it may harm that development; harmful to the Green Wedge due to new buildings, loss of greenery and separation of settlements; loss of wildlife habitat and harm to the green network; as it is close to Greengate Lane and near to a skip business the site will be noisy for residents; the site should have a play area for children within it; the site does not have good access to community facilities; dangerous access to the highway; concern about use of the highway by horse-drawn vehicles; would overload the education and health services; noise from the site may disturb neighbours; the site may lead to a drop in house prices.

The LE4 Action Group and their solicitors object on the grounds that the proposal is contrary to the development plan in two respects. Firstly it conflicts with policy CS09 in the Core Strategy which states that gypsy and traveller sites will be allocated in the Site Allocations and Development Management Policies DPD which has not been produced yet. As such to approve the proposed site would be premature. Secondly the development would harm the Green Wedge by introducing buildings into an otherwise green area which would be contrary to policy CS13 in the Core Strategy and policy GE06 in the Local Plan.

Ninety further objections have been received for this site.

- Locations for Gypsy and Traveller sites have not been identified in the development plan document therefore to approve the proposal would prejudice the development plan process.
- Development is not appropriate for a Green Wedge as it would reduce the gap between Birstall and Beaumont Leys and harm the green and open nature of the area. Previous planning applications on this site were refused and the current scheme should also be refused.
- Loss of recreation area would be detrimental to resident's amenity and an increase in residents in the area will put pressure on existing green space.
- The pitches are too small for most traveller families. This may lead to continued problems with unauthorised encampments.
- The site is not safe for children due to the proximity of roads.
- The site should have a play area for children to ensure they have a good quality of life.
- The development is detrimental to the character and appearance of the area by reason of the loss of greenery and open space.
- The development is not appropriate in the green network and may harm wildlife including badgers which are a protected species.
- Horses will cause problems as they are not catered for on the site and hence will graze verges nearby.
- Concern about traffic volumes and highway safety. The access may not be safe.
- Concern about crime and anti-social behaviour.
- Concern that the scheme may affect the proposed Ashton Green development.

- The site is remote from local services.

The Rt. Hon Stephen Dorrell MP (Charnwood) states he has been approached by the residents of Birstall with regards this application and the proposed Gypsy & Traveller site at Thurcaston Road. He questions the evidence on which the case is made for locating traveller pitches at these sites and wishes the Planning Committee to be aware of the opposition of both himself and his constituents to the scheme.

One representation asks the planning committee to support the proposal.

Consideration

Principle

5 Year Supply

The Planning Policy for Travellers Sites (PPTS) requires local planning authorities, in plan making, to demonstrate a 5-year supply of deliverable Gypsy and Traveller sites.

The Core Strategy (CS9) identifies the level of need for permanent pitches (based on the Leicestershire and Leicester Gypsy and Traveller Accommodation Needs Assessment (GTAA) 2007). The need arising in the city for permanent pitches during the plan period is:

Time period	Need arising in city (permanent pitches)
2007-2012	24
2012-2016	3
2016-2021	4
2021-2026	5

No new pitches have been developed in the city since this assessment was produced, and new evidence from a refresh of the GTAA produced in 2013 suggests that this need is now rising. This refresh calculated an updated need arising in the city for permanent pitches as follows:

Time period	Need arising in city (permanent pitches)
2012-2017	35
2017-2022	19
2022-2027	22
2027-2031	21

There is also a waiting list of 81 families for a pitch on the one current Council owned and run site in the city, at Meynells Gorse in Braunstone. The GTAA refresh also recorded that there have been 145 unauthorised encampments in the city between 2006 and 2012. City Council figures show that 60% of these were in Abbey and Beaumont Leys wards.

There are no sites with planning permission for use as a Gypsy and Traveller site in the city, and no other sites have been proposed for Gypsy and Traveller use through

the Site Allocations Development Plan Document 'Call for Sites' consultation. I am also unaware of any other private sites that are considered 'available now', 'offer a suitable location for development now' and be 'achievable' with a realistic prospect of delivery within 5 years. The City Council cannot therefore demonstrate a 5-year supply of specific deliverable sites, even if this application site and the application site on Thurstaston Road (20131493) were included within the supply.

National Planning Policy Framework (NPPF)

Paragraph 21 of the PPTS states that applications should be assessed in accordance with the presumption in favour of sustainable development.

Paragraph 14 of the NPPF states that "for decision making this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework or taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted."

Paragraph 49 of the NPPF states that housing policies will be out-of-date where the LPA cannot demonstrate a five year supply of deliverable housing sites. It is considered that Gypsy and Traveller site policies should be included under the definition of 'housing policies' as to not to do so would discriminate against Gypsies and Travellers. Because of the lack of a 5-year supply, the Core Strategy housing policies (including Policy CS9: Gypsy and Traveller and Showpeople Accommodation) are therefore out of date and the application needs to be decided under the NPPF Paragraph 14 test.

Prematurity

The Core Strategy refers to sites for transit and residential pitches being identified in the Site Allocations and Development Management policies DPD. The City Council's original intention, following the adoption of the Core Strategy in 2010, was to then begin production of a Site Allocations and Development Management Policies Development Plan Document (SA DPD) which, amongst other things, would allocate land to meet all of the requirements set out in the Core Strategy – including Gypsy and Traveller sites.

However because of a number of significant changes at both national and regional level, including the publication of the National Planning Policy Framework, the revocation of regional spatial strategies, the release of 2011 Census figures and the changing housing market, production of this document was delayed, and following a meeting with the Government's Chief Planning Inspector, the Council has now made a decision that rather than continuing with the planned production of a SA DPD, it instead needs to produce a new Local Plan which will both set out strategic policies to replace those in the Core Strategy, and also allocate new land for development.

Work is now beginning on the new Local Plan, with consultation on a draft document expected in 2014 and adoption in 2016. It is proposed that sites for Gypsies and Travellers will be included within the new Local Plan. Given this situation, it is not

considered that the application is premature, having regard to paragraphs 17-19 of 'The Planning System: General Planning Principles'.

Green Wedge Designation

The site falls within an area designated as Green Wedge, and Local Plan Policy GE06 and Core Strategy Policy CS13 are both relevant. Both policies are considered to be broadly consistent with the NPPF.

Policy GE06 is the only saved Local Plan (2006) green wedge policy. It sets out the strategic function of green wedges and provides criteria against which proposals for development within green wedges should be assessed:

a) Affect the predominantly open and undeveloped character of a green wedge

The proposal would have an impact on the predominantly open and undeveloped character of the green wedge in the area; however I consider this would be limited. There is existing built development on the site which is small in scale. The presence of the mature trees and hedgerow that front onto Greengate Lane helps to reduce the impact of the existing development.

b) Reduce the physical separation between existing settlements;

The proposal will add development in the Green Wedge and therefore reduce the physical separation between existing settlements.

c) Prejudice agricultural development and forestry operations.

The development site does not extend onto the agricultural land to the rear of the site.

d) Impair the recreational and leisure access to and within green wedges.

The site is in private use and the public does not have the right of access to this area. The development is unlikely to impair recreational and leisure access to the wider green wedge.

Core Strategy Policy CS13 (Green Network) seeks to protect the function of green wedges. CS13 states that:-

- *Green wedges will be maintained as areas of land that prevent the merging of built up areas of the City and adjoining settlements, guide development and provide a green lung into the inner urban area. Their function as open space for leisure or recreational purposes will be maintained and enhanced. Development within a green wedge will be expected to serve the open space, be of high design quality and of an appropriate scale and size for its location to minimise the visual and environmental impact of the development.*

The proposal is small in scale and would not cause the "merging" of built up areas within the City or adjoining settlements (Birstall) or reduce the ability of the wider Green wedge to guide development and act as "green lung". It would also not impact on the function of the green wedge for leisure or recreation as the site is not used for these purposes at present. The development of a Gypsy and Traveller site would not serve the open space although the proposals are of a high design quality and the development of six pitches is considered to be of an appropriate scale and size for its location.

Ashton Green

Concern has been raised that the proposal may affect the proposed Ashton Green development. The Ashton Green development will be a large extension to the city. I consider that the scale of the proposed Gypsy and Traveller site is not significant enough to have an effect on the Ashton Green development.

Residential amenity

The site is approximately 30m from neighbouring dwellings. The SPD – Residential Amenity recommends two storey dwellings be 21m apart where windows face each other. With single storey caravans and amenity buildings the proposed development would not harm neighbours light, outlook and privacy of the occupants of neighbouring dwellings. In terms of concerns about noise and anti-social behaviour the site will be managed by the applicant in a way to avoid problems. The management plan and tenancy agreements seek to safeguard against such problems. Concern has been raised that this development will lead to a reduction in house prices in the locality. While the planning system can take into account direct impacts on neighbours such as privacy and light indirect impacts such as house prices are not a material planning consideration. Some representations raise concerns that the development will overload existing services. Due to the small scale of the development I do not believe this is significant.

The site is not close to any significant generators of noise and will be shielded from noise from traffic using Greengate Lane by new and existing planting and new fencing. The skip hire business on Greengate Lane is approximately 50m away. At this distance and with shielding from vegetation I believe the amenity of residents will be acceptable and there are no highway safety concerns.

The DCLG Good Practice Guide for Gypsy and Traveller Sites indicates sites should generally provide space for a mobile home, a touring caravan, an amenity building and parking. It also states that sites should generally not have more than fifteen pitches, that a horseshoe layout is preferred and that communal open space without a clear purpose should be avoided. A horseshoe layout could not be fitted onto this site however I believe the small T shaped cul-de-sac design will provide a reasonable layout and the design meets the other recommendations. The amenity blocks have been designed and sited so to provide surveillance over each pitch. The 1.8m fences around each plot together with existing and new planting will provide residents with privacy. Concern has been raised that the site does not have a play area for children. While such features are desirable most housing developments of this size do not have one and I do not believe it would be reasonable to require one here. I consider the site will provide a reasonable level of amenity for gypsy and traveller families.

Framework Housing Association have decided not to cater for horses on this site and animals will be restricted to those of a domestic nature.

The amenity buildings will meet the requirements of the Lifetime Home Standards which are designed to enable people to stay in their homes as their circumstances change.

For new residential development contributions are sought towards off-site Green Space to ensure new and existing residents have facilities for recreation. I recommend a contribution is secured by condition.

Character and appearance

The site will be bounded by an outer 1.2m high post and wire fence. The pitches will be bounded by 1.8m high close boarded fences. For much of the site boundary there will be a space between these two fences which will be filled by a swale and planting. The fences around each pitch and new and existing planting will provide privacy.

Many of the dwellings along Greengate Lane are single storey as were the former dwellings on the site. The single storey amenity buildings and caravans will have a similar impact. The impact will be lessened by existing and proposed planting and fencing.

Although some trees will be lost, the development has been designed to minimise this. I believe this is acceptable subject to new planting. Subject to protection measures during building works the trees to be retained will not be harmed by the development.

Due to the low height of the buildings on the site and the extensive existing and proposed planting around the site I consider the site will have an acceptable impact on the character and appearance of the area.

Highway and parking matters

The site will be accessed off Greengate Lane which is an unclassified road with a 30mph speed limit and a 7.5ton weight restriction except for loading. A speed survey submitted with the application indicates that the speed limit is sometimes exceeded by up to 15mph. I consider the nature of the road and the size of the development that the access must be widened and visibility splays provided.

Heavy goods vehicles (HGVs) are not expected to visit the site except for the delivery of static caravans. The existing access will be widened to allow static caravans to be offloaded within the site rather than on the highway and to provide adequate visibility. Access gates are set back to allow vehicles to pull off the highway while they are opened. Each pitch has parking for two cars or small vans. A turning head is provided within the site so vehicles can enter and leave in a forward direction.

Comments have been made about the access and visibility splays for the site and whether the site is in a location that encourages sustainable forms of transport.

The scale of the development does not warrant a Transport Statement but the applicant has provided one. The speed survey which was part of that document gives an indication of vehicle speeds. The access has been designed on the basis of vehicles exceeding the speed limit of 30mph by up to 15mph as revealed by the survey. The County Highway Authority note that were the survey carried out in a different position it may record even higher speeds and therefore another survey should be carried out. However, the City Highway Authority consider that another survey is unlikely to produce results significantly different from the one that has been done. Street lighting has been introduced (default speed limit of 30mph) but the redundant national speed limit signs (60mph) have not yet been removed. Their removal is being requested.

For the last five years there are no recorded personal injury accidents at the existing access although there have been four close to the city/county boundary.

The County Highway Authority raise concerns that there will be an increase in the number of pedestrians travelling towards Birstall when Greengate Lane is substandard. The footpath along the road to Birstall does not run continually along

one side so pedestrians have to cross the road to get there. I consider this would not warrant a refusal given the scale of the proposal.

With regards sustainable transport there is a bus service which can be accessed by foot or bicycle along Greengate Lane. The site will have reasonable access to local services in Birstall and Beaumont Leys. Ashton Green will provide sustainable links to new facilities.

Concern has been raised that residents may use horse drawn vehicles on local roads which are not appropriate for this. Such use is regulated by normal highway regulations and controls.

Environmental impacts

While the removal of trees will result in the loss of some wildlife habitat this will be compensated for by new planting and swales. Concern has been raised that there may be protected species on the site, especially badgers. An ecological survey has been carried out which indicates the impact of the development will be acceptable. I recommend that conditions are attached to secure lighting with minimal harm to wildlife, bat boxes, badger protection measures and a repeat ecological survey if development does not occur within twenty four months of the current one. The repeat survey will ensure mitigation measures can be put in place should the ecology of the site change in the future.

I recommend that a condition be attached to ensure foul drainage is acceptable. A Sustainable Drainage System (SuDS) that consists of a swale around the site should allow for the slow run off of surface water. This is subject to a small amount of further information being provided and secured by condition. The site will not contribute to surface water flooding.

CS02 states that greenhouse gas emissions should be reduced through the appropriate choice of materials in construction. Framework Housing Association intend to provide power and heat through mains electricity alone as this provides a robust and simple system that will cope with the variable nature of the use of the site. Given these requirements I consider the reduction in greenhouse gas emissions should be sought through appropriately chosen materials to be used in the construction of the amenity buildings.

Overall the development will not be harmful to the environment and will result in some improvements through new planting and SuDS.

Conclusion

The development does not comply with the development plan because of non-compliance with the Green Wedge policies, however, it would be in accordance with the presumption in favour of sustainable development, as set out in the NPPF and PPTS, and it would help to meet some of the need that currently exists in the city for pitches. The relatively small scale of the proposal and the existing and proposed additional landscaping proposed ensures that the impact on neighbouring residential properties is acceptable in planning terms. The site also has good links to facilities in the city and Birstall.

I consider the impact on the Green Wedge to be outweighed by the need to provide accommodation for Gypsy and Traveller families. The visual impact on the Green Wedge, and the impact on the character and appearance of the area and

neighbouring residents will be minimised by the existing and proposed planting around the site and because the development is single storey.

I recommend APPROVAL subject to conditions.

CONDITIONS

1. START WITHIN THREE YEARS

2. The site shall be managed in accordance with the Operation & Management Statement submitted with the planning application. (To ensure the site is managed in an appropriate way.)

3. No part of the development shall be occupied until the 2 metre by 2 metre sight lines on each side of each vehicular access have been provided, and they shall be retained thereafter. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. All street works shall be constructed in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve a satisfactory form of development, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

5. No part of the development shall be occupied until the footway crossing has been altered in accordance with the Council's standards contained in the `6Cs Design Guide` (view from www.leicester.gov.uk/6cs-design-guide). (To achieve satisfactory means of access to the highway, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

6. A turning space, to enable vehicles always to enter and leave the site in a forward direction, shall be kept available within the site. (In the interests in highway safety, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS3.)

7. No pitch shall be occupied until bollards or another method to prevent parking on the verge adjacent to the access drive have been installed to the satisfaction of the City Council as local planning authority. (To ensure inappropriate parking does not take place in accordance with policy CS03 of the Core Strategy).

8. Any gates shall be set back to allow a Heavy Goods Vehicle to pull off the highway prior to them being opened. They shall remain so at all times. (In the interests of highway safety and in accordance with policy CS03 of the Core Strategy.)

9. Development shall not commence until details of the fabric of the amenity buildings detailing how it will contribute to a reduction in greenhouse gas emissions have been submitted to and approved by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. (To

reduce greenhouse gas emissions in accordance with policies BE16 of the Local Plan and CS02 in the Core Strategy.)

10. All trees near the site subject to a Tree Preservation Order and ones both on and off the site to be retained shall be protected from damage during building operations, in accordance with details to be submitted to and approved by the City Council as local planning authority. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

11. Before the development is begun, a landscaping scheme showing the treatment of all parts of the site, including details of trees and shrubs to be planted, shall be submitted to and approved by the City Council as local planning authority. The approved landscaping scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policy CS3.)

12. No part of the development shall be occupied until the sustainable drainage scheme for the site has been implemented in accordance with details first submitted to and approved by the City Council as local planning authority. (To reduce the risk of flooding and in accordance with policy BE20 of the City of Leicester Local Plan and CS02 of the Core Strategy.)

13. No pitch shall be occupied until foul drainage has been implemented in accordance with details first agreed in writing by the City Council as local planning authority. (To avoid flooding and protect the water environment in accordance with policy BE20 of the City of Leicester local plan and policy CS02 of the Core Strategy.)

14. Before the development is begun a detailed design plan of external lighting to be used shall be submitted and approved in writing by the local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site. The approved scheme shall be implemented and retained thereafter. (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS 17 Biodiversity of the Core Strategy)

15. Should the development not commence within 24 months of the date of the last protected species survey (May 2013), then a further protected species survey shall be carried out of all buildings, trees and other features by a suitably qualified ecologist. The survey results shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out before the development is begun. Thereafter the survey should be repeated bi-annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy).

16. No works shall commence on the site until ecological mitigation schemes have been submitted and approved in writing by the local planning authority. The schemes should include details of methodologies for the protection of existing features such as trees and hedgerows and associated fauna and should include details of fencing and timing of operations; tree, shrub and hedgerow planting and aftercare proposals; and habitats (hedgerow, meadow and tree planting) to be newly created or existing habitats to be enhanced and ten years aftercare proposals including construction, seeding, planting and establishment and replacement details (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy).

17. During development any deep excavations shall be covered or ramped to ensure badgers have a means of escape should they become trapped. If during the proposed development works any badger setts are found at the site or within 30 metres of the site, all works should cease immediately and a suitably qualified ecologist should be consulted. (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy)

18. Prior to the occupation of any pitch arrangements are to be made for a contribution to the improvement or provision of off-site Green Space in the city unless otherwise agreed in writing by the City Council as local planning authority. (To meet the recreational needs of residents in accordance with policy CS13 of the Core Strategy.)

NOTES FOR APPLICANT

1. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For any works or other related activity such as dropped kerbs, skips, scaffolds etc., on or adjacent to the highway you are required to submit the highway approval form (Form 1) which can be found on our website <http://www.leicester.gov.uk/your-council-services/transport-traffic/highways/activities-on-the-highway/>

Failure to complete this application form and provide adequate notice will result in delays to the development works

2. With respect to condition 10 above, the fencing required should be welded mesh panels securely fixed to a scaffold frame work with uprights driven well into the ground and in this case should be provided not within the root protection area in accordance with details agreed with the city council in advance. In most cases this equates to 12 times the diameter of the tree when measured at 1.5m height from ground level. The applicant is advised to visit <http://shop.bsigroup.com/en/ProductDetail/?pid=00000000030213642> to find out further information in respect of BS 5837:2012.

3. Development on the site shall avoid the bird nesting season (March to September), but if necessary a re-check for nests should be made by an ecologist (or an appointed competent person) not more than 24 hours prior to the commencement of works and details of findings submitted to the LPA. If any nests or birds in the process of building a nest are found, these areas will be retained (left undisturbed) until the nest is no longer in use and all the young have fledged. An appropriate standoff zone will also be marked out to avoid disturbance to the nest whilst it is in

use. All wild birds are protected under the Wildlife and Countryside Act (1981) as amended making it an offence to kill, injure or disturb a wild bird during the nesting season or to damage or destroy an active nest or eggs during that time.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.
- 2006_BE20 Developments that are likely to create flood risk onsite or elsewhere will only be permitted if adequate mitigation measures can be implemented.
- 2006_GE06 Sets out the criteria for assessing proposed development within, and adjacent to, green wedges.
- 2006_GE09 Planning permission will not be granted for development which would endanger or encroach upon Green Space as shown on the Proposals Map unless it meets the criteria set out.
- 2006_H05 Planning applications involving the loss of housing will be refused unless they meet criteria.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2010_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2010_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2010_CS05 The Council will support the development of a high quality sustainable urban extension at Ashton Green.
- 2010_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2010_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2010_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2010_CS09 When considering proposals for sites for Gypsies and Travellers and Travelling Show People, regard will be given to the assessment of need and the level of existing

provision. The policy sets out the considerations which will be taken into account in the determination of locations for gypsy and traveller sites and sites for travelling show people.

2010_CS13 The Council will seek to maintain and enhance the quality of the green network so that residents and visitors have easy access to good quality green space, sport and recreation provision that meets the needs of local people.

2010_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.

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