

Erection of up to 270 dwellings with public open space, landscaping, sustainable drainage systems, car parking area for New Swannington Primary School and vehicular access points from Thornborough Road and Spring Lane (outline - all matters other than part means of access reserved)

Report Item No
A1

Land At Thornborough Road Coalville Leicestershire

Application Reference
16/01407/OUTM

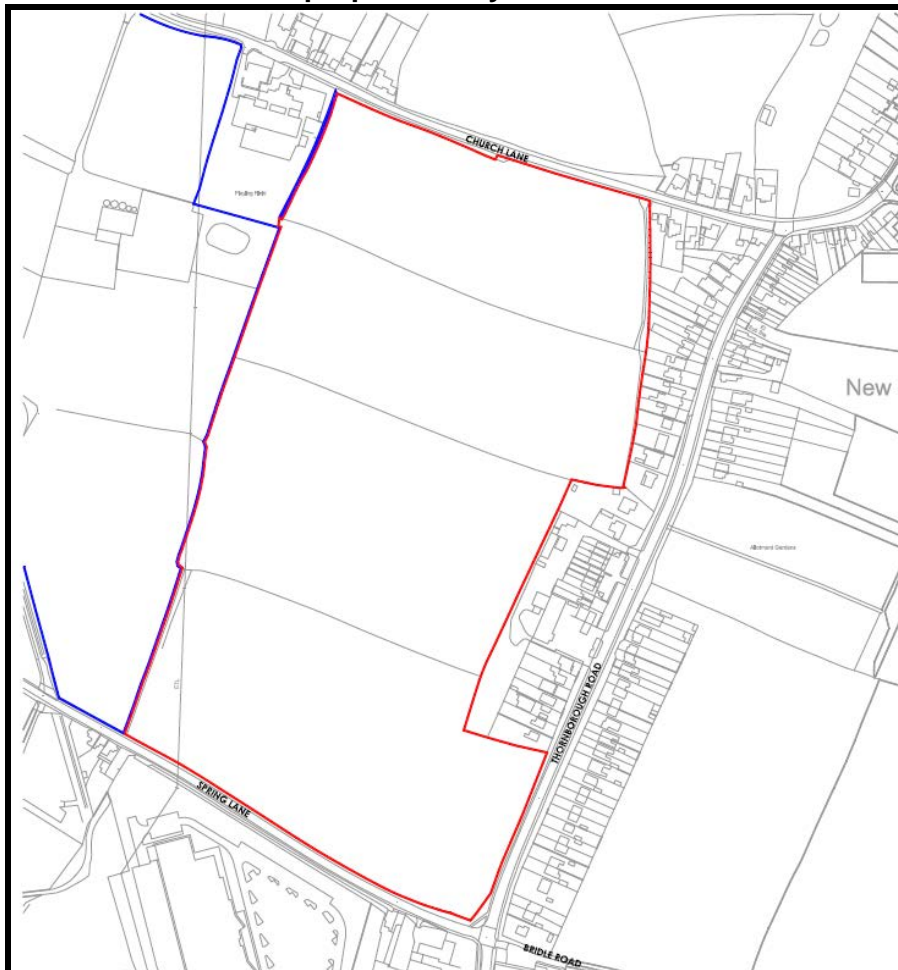
Applicant:
Gladman

Date Registered:
30 November 2016
Consultation Expiry:
10 July 2017
8 Week Date:
1 March 2017
Extension of Time:
30 June 2017

Case Officer:
James Knightley

Recommendation:
REFUSE

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission for residential development of up to 270 dwellings.

Consultations

Members will see from the main report below that no objections have been received from statutory consultees in respect of the proposals.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan; it is also within a Green Wedge and, therefore, is subject to Policy E20 of the adopted Local Plan. Within the submitted North West Leicestershire Local Plan, the site is also identified as being outside Limits to Development.

Conclusion

The report below indicates that, whilst the site has a reasonable degree of connectivity to local services, the view is taken that release of the site would not in any event constitute sustainable development, particularly when having regard to its location outside Limits to Development (wherein Policies S3 of both the adopted and submitted Local Plans presume against development of this type) and its associated landscape and visual impacts. In addition, the application as submitted does not provide sufficient information to demonstrate that an appropriate form of design would be secured, nor that harm to non-designated heritage assets would not result.

RECOMMENDATION:-

REFUSE

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an outline planning application for the erection of up to 270 dwellings on a site of approximately 15 hectares currently in agricultural use. Whilst some matters are reserved for subsequent approval, a development framework plan has been submitted which shows residential development accessed via both Thornborough Road and Spring Lane and with National Forest planting to the western portion of the site.

All matters are reserved save for the access insofar as it relates to the proposed means of vehicular access into the proposed residential development which, following amendment, would be gained from Thornborough Road and Spring Lane (having previously proposed access via Thornborough Road and Church Lane). In addition, a car parking area is proposed to be provided off Church Lane to serve the adjacent New Swannington Primary School. The remainder of the "access" matters (i.e. including the pedestrian and cycle links to adjacent land and circulation routes through the site itself as shown on the illustrative masterplan) are reserved for subsequent approval.

The application is referred to the Planning Committee for a decision at the request of Councillors L Goacher, T Gillard and S Gillard.

2. Publicity

120 Neighbours have been notified (date of last notification 16 June 2017).

Press Notice published Leicester Mercury 14 December 2016

3. Summary of Consultations and Representations Received

East Midlands Airport has no objections

Leicestershire County Council Archaeologist advises that additional archaeological survey work will be required prior to the application's determination so as to establish the archaeological potential of the site and any potential impacts of the proposed development

Leicestershire County Council Education Authority requests a financial contribution in respect of the high school sector of £482,656.59, and a financial contribution in respect of the special school sector of £94,803.06.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £17,653

Leicestershire County Council Library Services Development Manager requests a developer contribution of £8,150

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Highway Authority has no objections subject to conditions and planning obligations

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

Leicestershire Footpath Association has no objections subject to various alterations set out in its response

National Forest Company has no objections subject to conditions and planning obligations

North West Leicestershire District Council Cultural Services Officer advises that the two public footpaths crossing the site may need to be diverted depending on the layout

North West Leicestershire District Council Environmental Health has no objections subject to conditions

Severn Trent Water has no objections subject to conditions

Swannington Parish Council (adjacent parish) objects on the following grounds:

- Huge impact on Swannington roads and environment
- Church Lane already used as a rat run by parents of children at New Swannington Primary School
- Parish Councillors are concerned at the highway problems that may be caused
- Confusion over number of access points

West Leicestershire Clinical Commissioning Group requests a healthcare contribution of £47,157.43

Whitwick Parish Council objects on the following grounds:

- Would set a precedent for development of the Green Wedge and countryside
- Contrary to Local Plan policies
- Premature to the emerging Local Plan
- Adequate housing land available
- Unsafe access / impact on existing roads and junctions
- Exacerbation of existing flooding
- Loss of agricultural land

If permitted, the Parish Council requests Section 106 obligations in respect of:

- Junction / transportation improvements
- Green spaces transferred to a public body for maintenance

In addition to the Parish Council's objections, the Parish Council also draws attention to comments made to it by residents including:

- Insufficient time provided to comment
- No reference in the agent's documents referring to protecting Whitwick from merging with Coalville

Third Party representations

84 representations have been received, objecting on the following grounds:

- Increased traffic / congestion
- Local roads unsuitable for increased traffic
- Adverse impact on highway and pedestrian safety
- Pollution
- Noise
- Impact on countryside / landscape

- Loss of view
- Subsidence due to former coal workings
- Insufficient infrastructure / services (including education, healthcare, District Council services, policing and highways)
- Site is within the greenbelt
- Flood risk
- Insufficient details within the application
- Adverse impact from proposed landscaping
- Access should be via Spring Lane
- Loss of property value
- Site is in the Green Wedge
- Impact on rights of way
- Contrary to planning policy
- Council has a five year housing land supply
- Impact on wildlife / ecology
- Loss of open space
- Development should have a through route for public transport
- Increased litter and anti-social behaviour (including in association with the proposed new school car park)
- Insufficient pre-application consultation
- Poor design
- Scheme disregards Parish boundaries
- Unsustainable form of development
- Loss of agricultural land
- Proposed school car park too small
- Loss of separation between settlements
- Brownfield sites are available
- Dust
- Insufficient amenities in Coalville (i.e. empty shops, no cinema etc.)
- Play area in wrong place
- Poor public transport connections
- Impacts of increased use of public rights of way adjacent to existing dwellings
- Overlooking

Comments have also been received to the effect that, should planning permission be granted, the development should include:

- Increased car parking for adjacent school
- Management strategy for existing rights of way
- Traffic calming
- Road sweeping / cleaning
- Restrictions on loading / unloading of construction vehicles
- Regular liaison between the developer and residents
- Any changes to the scheme to be determined by Planning Committee
- Hours of construction limitations
- Light pollution minimisation
- Noise monitoring
- Dust monitoring
- Flood prevention
- Tree planting

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 7 (Achieving sustainable development)

Paragraphs 12 and 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 32 and 34 (Promoting sustainable transport)

Paragraphs 47, 49 and 50 (Delivering a wide choice of high quality homes)

Paragraphs 56, 57, 59, 61 and 64 (Requiring good design)

Paragraphs 100, 101, 102 and 103 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 118, 120, 123 and 124 (Conserving and enhancing the natural environment)

Paragraphs 128, 131 and 135 (Conserving and enhancing the historic environment)

Paragraph 173 (Using a proportionate evidence base)

Paragraphs 203 and 204 (Planning conditions and obligations)

Further advice is provided within the DCLG's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and is also within a Green Wedge. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime Prevention

Policy E20 - Green Wedge

Policy F1 - National Forest General Policy

Policy F2 - National Forest Tree Planting

Policy F3 - National Forest Landscaping and Planting

Policy T3 - Highway Standards

Policy T8 - Parking

Policy H4/1 - Housing Land Release

Policy H6 - Housing Density

Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy L21 - Children's Play Areas
Policy L22 - Formal Recreation Provision

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area (which, for the purposes of the SPD, includes the settlements of Coalville, Whitwick, Thringstone, Greenhill, Ellistown and Battleflat, Bardon and Hugglescote).

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Greater Coalville area.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville

On 11 June 2013, and following the completion of consultation on the draft policy, the District Council's Cabinet approved the revised policy document. The adopted policy states that "Where the Council is satisfied that a major residential development proposal in or around the Coalville area is proven to be unviable as a result of required developer financial contributions (e.g. off site highway works; education provision and affordable housing requirements), the Council will consider relaxing its normal affordable housing requirements proportionately so as to:

- (a) Give highway infrastructure investment the highest priority for funding
- (b) Ensure all other essential infrastructure is provided
- (c) Continue to contribute to affordable housing provision as far as possible whilst ensuring that the development scheme is viable.

For development proposals where the Council accepts no affordable housing or a lower proportion of affordable housing contribution (both on site provision and/or a financial contribution in lieu of provision) the Council will reduce the time period for any planning permission to be commenced to 2 years and shall include in the Section 106 agreement provision to enable the Council to periodically revisit the affordable housing contribution if the economic factors determining the level of affordable housing improves before the development is commenced".

In addition to agreeing the policy, Cabinet agreed that, for major developments in Coalville, the Planning Committee be asked to consider the policy through Section 106 agreements and recommended that Planning Committee, where appropriate, prioritises the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the policy.

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council commenced consultation on its Main Modifications on 12 June 2017. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

The site is located outside Limits to Development as defined in the submitted Local Plan.

The following draft Local Plan policies are considered relevant:

Policy S3 - Countryside

Policy D1 - Design of new development

Policy D2 - Amenity

Policy H4 - Affordable housing

Policy H6 - House types and mix

Policy IF1 - Development and infrastructure

Policy IF3 - Open space, sport and recreation facilities

Policy IF4 - Transport infrastructure and new development

Policy IF7 - Parking provision and new development

Policy En1 - Nature conservation

Policy En3 - The National Forest

Policy En6 - Land and air quality

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Policy Cc2 - Flood risk

Policy Cc3 - Sustainable Drainage Systems

5. Assessment

Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

As set out under Relevant Planning Policy above, the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan as well as being within the Green Wedge (as also defined in that Plan). The site is also outside Limits to Development as defined in the submitted North West Leicestershire Local Plan. As a site in agricultural use, it constitutes greenfield land.

Weight to be attached to relevant Development Plan Policies

The key *development plan* policies considered relevant in this case are Policies S3 and E20 of the adopted North West Leicestershire Local Plan. The Supreme Court's judgment in *Suffolk Coastal District Council v Hopkins Homes Ltd and another & Richborough Estates Partnership LLP and another v Cheshire East Borough Council* clarified the relationship between the NPPF and the statutory development plan, and the approach to applying NPPF Paragraphs 14 and 49.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan. The applicant's submissions suggest that a five year supply cannot be demonstrated by the Local Planning Authority; these submissions pre-date the appeal decision in respect of Hall Lane, Whitwick, however.

Paragraph 49 of the NPPF provides that, where the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing, relevant policies for the supply of housing should not be considered up-to-date; in such circumstances, the provisions of Paragraph 14 would apply which provides that, where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In accordance with the approach favoured by the Supreme Court in the case mentioned above, adopted Local Plan Policies S3 and E20 above would not constitute policies for the supply of housing under Paragraph 49. Regardless, however, in view of the current ability to demonstrate a five year (plus buffer) supply, these policies would not be deemed out of date by virtue of Paragraph 49.

The Supreme Court's judgment reiterated the statutory primacy of the development plan. However, in determining an application, the decision-maker needs to consider whether the policies of the development plan are up-to-date and, if not, whether other material considerations (and including the policies within the NPPF) ought to attract greater weight.

Whilst it is considered (having regard to the approach favoured by the Court and the Council's current ability to demonstrate a five year supply of housing) that Paragraph 14 is not engaged in this case by virtue of Paragraph 49, it is considered that it is nevertheless engaged by virtue of the adopted Local Plan's policies' age and degree of consistency with the NPPF.

Adopted Local Plan Policy S3:

In the case of adopted Policy S3 it is noted that the Limits to Development as defined in the adopted Local Plan only made provision for development up until 2006 and, as such (and notwithstanding the approach to adopted Policy S3 taken by the Inspector in determining a recent appeal in respect of a site at Worthington Lane, Breedon on the Hill), the weight to be attached to adopted Policy S3 would need to be reduced as a result. The Inspectors in respect of other recent decisions (including Swepstone Road, Heather and Normanton Road, Packington) also reduced the weight to be afforded to adopted Policy S3 insofar as the policy allows for a narrower range of development types in the countryside than allowed for within the NPPF. However, it is noted that, should the submitted plan (which would provide for the District's development requirements until 2031) be adopted as currently proposed, the site would remain outside Limits to Development. In terms of the weight to be attached to this emerging policy, Paragraph 216 of the NPPF provides that, unless other material considerations indicate otherwise, weight may be given to policies in emerging plans according to:

- "...- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

In terms of the stage that the emerging plan has reached, the Local Plan has progressed a long way towards adoption, having been to examination with the Inspector's report currently awaited. It is also considered that emerging Policy S3 would be entirely consistent with the NPPF. Insofar as the extent to which there are unresolved objections is concerned, it is noted that objections have been raised in respect of the policy (albeit not site-specific to this site's exclusion from Limits to Development). However, it is also noted that the applicant has raised objection to emerging Policy H3 (new housing allocations) on the basis that this site is not included as an allocation. In effect, therefore, there is an unresolved objection relating to this site (which, if upheld, would affect the site's Limits to Development status) and, therefore, the weight to be afforded to emerging Policy S3 ought to be reduced to some extent to reflect this. Having said this, it is noted that the submitted Local Plan has been to Examination and, whilst the Inspector's report is still awaited, the proposed Main Modifications (published for consultation in June 2017) do not propose any changes to the status of this site. Overall, therefore, it is considered that significant weight can reasonably be attached to the emerging Policy S3 and, in view of this (and given the intended ongoing retention of this site as land outside Limits to Development), the view is taken that, notwithstanding the age of adopted Policy S3, significant weight can reasonably still be applied to it in this instance.

Adopted Local Plan Policy E20:

The site is part of a wider area identified as a Green Wedge in the adopted Local Plan. Policy E20 of the adopted Local Plan provides that *"Development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the Coalville-Whitwick-Swannington Green Wedge, identified on the Proposals Map.*

Appropriate uses in the Green Wedge are agriculture, forestry, minerals extraction and outdoor sport and recreation uses.

Any built development permitted within the Green Wedge will be limited to minor structures and facilities which are strictly ancillary to the use of the land for these purposes."

As a proposal for residential development, it is considered that the proposed development would clearly conflict with the provisions of this policy. However, in assessing the weight to be attached to the policy, regard must be had to how up-to-date it is. When determining the appeal for a site at Hall Lane, Whitwick, the Inspector concluded that Policy E20 was not consistent with the NPPF in that it "imposes a total ban on housing in the Green Wedge and there is no mechanism to balance the benefits of housing with any identified harm that may arise. The determinative factor, however, in my view is that the Council has accepted that its Green Wedge policy cannot be supported on this site". [This final comment refers to the District Council's previous reassessments of the existing Green Wedges (which found that they did not meet all the relevant criteria for designation as Green Wedge) and its resulting intended approach of not retaining the Green Wedges within the submitted Local Plan. In the case of the Hall Lane site, that part of the Green Wedge is considered to retain part of its intended function (i.e. to maintain physical separation between settlements) and the Council's intention is to re-designate it as an Area of Separation in the new Local Plan. In terms of this application however, the site would be identified as countryside outside Limits to Development.]

On the basis of the above, therefore, it is considered that only very limited weight ought to be attached to Policy E20 in this case.

Limits to Development

As set out above, the site lies outside Limits to Development as defined in both the adopted and submitted North West Leicestershire Local Plans; the adopted Local Plan forms part of the statutory development plan. For the reasons set out above, it is considered that Paragraph 14 of the NPPF is engaged in this instance and, therefore, an assessment as to whether the adverse impacts of approving the proposals would significantly and demonstrably outweigh the benefits is necessary.

Whilst issues in respect of landscape are addressed in more detail below, it is accepted that the site does not fall within a "valued landscape" as referred to in Paragraph 109 of the NPPF. However, Paragraph 17 provides that planning should "take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside...".

The High Court judgment in the case of *East Staffordshire Borough Council v Secretary of State for Communities and Local Government and Barwood Strategic Land II LLP* clarified that, whilst Paragraph 14 of the NPPF is silent on the approach to be taken where development proposals do not accord with the development plan, it is implicit from Paragraph 14 that, where this is the case, development should not be approved. The judge considered that this approach was consistent with Paragraph 12 in that that paragraph provides that development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise; the judge's conclusions were subsequently upheld by the Court of Appeal (*Barwood Strategic Land II LLP v East Staffordshire Borough Council and Secretary of State for Communities and Local Government*). As such, it would appear that, for those policies which remain up-to-date, the approach set out in Paragraph 12 would apply, and that proposals which conflict with the development plan ought to be refused unless other material considerations indicate otherwise.

As set out above, it is accepted that, in general terms, the Limits to Development as set out in the adopted Local Plan are, by virtue of their age, out of date. However, in this instance, this needs to be considered in the context of the emerging Local Plan which, if adopted as submitted, would maintain this site as lying outside Limits to Development. In accordance with the approach taken by the Courts, the "tilted balance" set out in Paragraph 14 is a material consideration which needs to be considered alongside the position set out in the development plan. In this case, having regard to the intended retention of the site as outside Limits to Development within the submitted Local Plan, it is considered that the balancing exercise required under Paragraph 14 would not (when taking into account other factors below, and including the landscape and visual impacts of releasing this site located within the countryside) indicate that planning permission ought to be granted.

Site Accessibility and Policy H4/1

Policy H4/1 of the adopted Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst this policy is considered to be out of date (because a sequential approach to residential development is outdated in the context of the NPPF, albeit the Inspector in respect of the recent appeal in respect of Loughborough Road, Whitwick took an alternative view on Policy H4/1), the sustainability credentials of the scheme (in terms of accessibility to services) would still need to be assessed.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Insofar as the site's accessibility is concerned, the view is taken that, as a site adjacent to the built up area of Coalville and Whitwick, and the

range of services available therein, it performs relatively well in this regard. The site is (at its closest point) located approximately 1,000m from Coalville town centre and 1,100m from the Whitwick local centre (as defined on the adopted Local Plan Proposals Map). It is also close to bus stops on Thornborough Road served by buses connecting the site with the centres of Coalville and Whitwick and other settlements (including Burton on Trent, Ashby de la Zouch, Leicester and Nottingham (via East Midlands Airport)) at regular intervals.

Other Matters

It is noted that the applicant draws attention to the site's inclusion in the District Council's 2016 Strategic Housing Land Availability Assessment (SHLAA) which identified the site is being potentially suitable subject to the removal of the Green Wedge designation (albeit noting that the Publication Local Plan identifies the site as being outside of the Limits to Development). However, it should be borne in mind that the SHLAA is not a policy document; it is a technical document which considers potential capacity and does not make decisions or recommendations on which sites should be allocated for development or granted planning permission. As such, it is not considered that significant weight ought to be attached to this issue.

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application is set out in more detail below.

Landscape and Visual Impact

The existing site contains a limited number of trees, but includes a number of hedgerows; the submitted Arboricultural Assessment identifies six individual trees (all ash), five tree groups (mixed species) and eight hedgerows. Whilst the Arboricultural Assessment's tree retention plan relates to an earlier iteration of the development framework plan (i.e. prior to the introduction of the proposed Spring Lane access), the revisions do not appear to entail significant changes to the scheme's implications on existing trees from those identified in the Arboricultural Assessment (other than the required break in the hedgerow on Spring Lane). Based on the information set out in the Arboricultural Assessment, loss of trees would be limited to a single individual ash, and which is identified as Category U (i.e. unsuitable for retention) by virtue of its condition, rather than by way of necessity to accommodate the proposed development. Based on the form of development indicated in Arboricultural Assessment and development framework plan, various sections of hedgerow would need to be removed to allow access into and through the site; the sections indicated would however be relatively short, and their loss (i.e. as individual specimens) would not be unacceptable in arboricultural terms.

The application is also accompanied by a Landscape and Visual Impact Assessment (LVIA). This concludes that the site is able to absorb residential development within its lower lying eastern section, and that the proposed development would cause a minimal localised landscape and visual impact, would be successfully integrated into the settlement pattern of Thornborough Road, and would not cause harm to the landscape character or visual amenity. In summary, it states that the development would not introduce any incongruent elements into the landscape, would not impact upon views to or from the wider landscape, nor would affect the sense of separation between settlements. The development would, it suggests, be contained by the local landform and both existing mature and establishing vegetation, within the extents of development set by the local limits along Thornborough Road, and that the proposals would retain the special quality of views within the local area, producing an enhanced settlement boundary to the west, and reinforcing the sense of separation with Swannington.

The submitted LVIA also refers to the North West Leicestershire Settlement Fringe Assessment which identified that the site had low potential to achieve mitigation in keeping with landscape character, but also set out recommendations on the form of development in the event that the site were developed.

The LVIA has been assessed by a landscape consultant on behalf of the Local Planning Authority. The Council's consultant considers that the submitted LVIA understates the adverse effects of the proposed development in landscape and visual terms, and has not fully taken into account the fact that the Settlement Fringe Assessment found the area to be of relatively high value and low suitability for development. The Council's consultant concludes that the proposed development would lead to the loss of a reasonably attractive area of countryside and the loss of the presently open, attractive views across the site to Charnwood Forest. As such, the Council's consultant advises, the proposed development would adversely affect and diminish the present open character and attractive rural landscape of the site and surrounding area, and would lead to some significant adverse landscape and visual effects.

Means of Access, Highways and Transportation Issues

The application is accompanied by a Transport Assessment and Travel Plan (amended during the course of the application). As set out in the introduction above, the application is in outline with all matters reserved save for the access insofar as it relates to the vehicular access points into the site from Thornborough Road and Spring Lane, as well as the proposed school car park access from Church Lane; in terms of illustrative material, the development framework plan shows the provision of primary vehicular routes from Thornborough Road and Spring Lane connecting to secondary streets and lanes. Pedestrian links are shown indicatively connecting the site with Church Lane and Thornborough Road (close to its junction with Spring Lane); in addition, the site is already accessible by foot via rights of way O12, O13 and N43 (see below), and these links would, on the basis of the development framework plan, be retained.

Site Accesses

The applicant has proposed that the site will be accessed via three new priority junctions; the County Highway Authority's conclusions in respect of each of these are set out below.

Thornborough Road:

The proposed site access has been demonstrated to comply with the requirements of the 6Cs Design Guide and to operate within capacity. A toucan crossing has been proposed across Thornborough Road; whilst the submitted Transport Assessment suggests that one may not be necessary, the County Highway Authority considers however that, given highway conditions, one is required.

Spring Lane:

The location of the proposed access falls to the west of the existing 30mph speed restricted area, (and within the derestricted area). The County Highway Authority advises that speeds in the vicinity of the site access are approximately 42mph to the west of the proposed site access (within the derestricted area) and 36mph to the east (within the 30mph restricted area). The submitted Transport Assessment proposes to relocate the speed limit to the west of the site access; the County Highway Authority considers, however, that the 30mph zone should be extended to cover all of Spring Lane so as to avoid being left with a short section of derestricted road. The County Highway Authority advises that this can be secured through the extension of street lighting and the Section 278 process. Irrespective of proposed changes to the speed limit, visibility splays to accord with the higher of the existing 85th percentile speeds can, the County

Council advises, be achieved, and have been demonstrated both horizontally and vertically so as to take into account the topography of Spring Lane in the vicinity of the site access. The County Highway Authority is therefore satisfied that the proposed access has been demonstrated to comply with the requirements of the 6Cs Design Guide and to operate within capacity.

Church Lane:

Whilst the County Highway Authority considers that the need for the proposed school car park and how it would be operated (i.e. in terms of ownership / management etc.) is unclear, it advises that the proposed car park access has been demonstrated to comply with the requirements of the 6Cs Design Guide and to operate within capacity.

[In terms of the car park itself, no specific requirement for its provision has been identified by Leicestershire County Council in its capacity as Local Highway Authority (nor, indeed, as Local Education Authority). No comments in respect of the proposals have been received from the school itself, although the Local Education Authority advises that, having discussed the matter with the school's head teacher, the school is very concerned about the issue of parking on Church Lane and, given that the school is on the edge of the catchment area it serves, a lot of parents use cars to take pupils to and from school. The Local Education Authority reports that, whilst a car park could help to alleviate some of the parking problems, the school is not prepared to accept any responsibility for the maintenance or management of the area. The management of the area is, it advises, of particular concern with regard to the issues of safeguarding for pupils and health and safety, and the concern is that the danger could end up simply being relocating the danger from Church Lane to the car park.]

Road Safety Considerations

The County Highway Authority is satisfied that the Transport Assessment has considered reported personal injury accidents within the study area and that there are no underlying road safety concerns which would be worsened as a result of the proposed development.

Impact on the Wider Highway Network

Leicestershire County Council advises that off-site impacts have been assessed on the following junctions (and taking into account general background traffic growth, plus other committed and proposed developments):

- 1 Spring Lane / Thornborough Road
- 2 Church Lane / Thornborough Road
- 3 Spring Lane / Station Hill
- 4 A511 / Thornborough Road
- 5 A511 / Hough Hill
- 6 A511 / Hermitage Road
- 7 A511 / Broom Leys Road
- 8 A511 / Bardon Road

Insofar as junction nos. 1 - 3 above are concerned, the County Council advises that the traffic impact at those junctions would not be considered severe in the context of Paragraph 32 of the NPPF and, as such, would not require mitigation as a result of the proposed development.

In terms of the remaining junctions (i.e. those directly affecting the A511), the County Council advises that the Transport Assessment has demonstrated that the Ratio of Flow to Capacity (RFC) would be in excess of 0.85 (and which is the level beyond which signs of congestion start

to become evident). Whilst the County Highway Authority accepts that it can be argued that a junction could theoretically operate within capacity up to a RFC of 1.00, the reliable performance of the junctions (and network) start to deteriorate operationally. The County Council advises that the A511 around Coalville is a part of the Primary A-Road network, providing links to the M1 and A42 (and onwards to the M42 and M6), and is considered to be one of the most important strategic routes in Leicestershire, having a dual function of providing both local and regional connectivity. Reliability along this corridor is considered by the County Council to be very important in ensuring efficient operation of the network, and the impact of the proposed development along the A511 without mitigation would therefore be considered severe.

Given the significance of the A511 around Coalville, the County Highway Authority has been working in collaboration with the District Council to ensure that wider growth in and around Coalville can be accommodated by way of seeking contributions from developers towards measures required to mitigate the impacts (both individually and cumulatively) of the various developments forming that wider growth. The County Council notes that this approach has been adopted as it is considered that the cumulative impacts of development around Coalville will have a large scale impact which should be addressed comprehensively, rather than in a piecemeal manner. As this is a strategic scheme to address the impacts of wider growth, the County Highway Authority advises that contributions should be sought from development proposals which, as in this case, would have a severe impact on the corridor. In order to contribute a fair and equitable value compared to other developments in the area which also have an impact along the A511 corridor, the County Highway Authority advises that a contribution of £1,296,000 be sought.

On 15 January 2013, the District Council's Cabinet considered a report relating to Delivering Growth and Prosperity in Coalville which set out proposals to prioritise highways infrastructure contributions in Coalville above affordable housing contributions given the need for significant transportation infrastructure to be provided so as to enable otherwise stalled development to be delivered. Cabinet resolved to (i) agree to the preparation and consultation of an interim Section 106 policy which establishes the approach towards prioritising highway infrastructure contributions in Coalville, which will be reported back to cabinet after the consultation exercise; (ii) agree that for major developments in Coalville, the Planning Committee be asked to consider the emerging policy through Section 106 agreements; and (iii) to recommend that Planning Committee, where appropriate, prioritise the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the emerging policy proposals. The District Council consulted on a draft policy between 22 February 2013 and 5 April 2013 and, following the conclusion of that consultation, reported back to Cabinet on 11 June 2013. At that meeting, Cabinet resolved to approve the policy.

The report to Cabinet of 15 January 2013 included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute; based on the figures available at that time, the calculations provided to Cabinet suggested a potential contribution of between £4,419 and £4,884 per dwelling. If such a range of sums were used in this instance a scheme of, say, 270 dwellings, would equate to a contribution of between £1,193,130 and £1,318,680 (and within which range the contribution suggested as appropriate by Leicestershire County Council would fall). In this instance, no viability issues are understood to be applicable, so there would be no implications on the proposed affordable housing contribution (and as set out in more detail within the relevant section below).

For its part, the applicant accepts that mitigation of the A511 / Thornborough Road and A511/

Broom Leys Road junctions would be required, and has suggested a financial contribution be made towards works at those junctions, but does not specify a figure. Furthermore, the applicant is of the view that the contribution suggested by the County Highway Authority would not be CIL compliant. Further clarification has been sought from both the applicant and the County Council, and any further assessment of this issue will be included on the Update Sheet. Given the conclusions of both the Transport Assessment and the County Highway Authority, however, it would be necessary for some form of mitigation of the proposed development's impacts on the wider highway network to be provided.

Public Rights of Way

The routes of public rights of way O12, O13 and N43 cross the site; on the basis of the submitted development framework plan, these routes are indicated as being retained on their existing alignments. Should this not be the case in respect of any future reserved matters application, however, an application to stop up / divert the right of way would be likely to be required (and would be likely to be dealt with by the District Council's Cultural Services Officer). As set out in DEFRA Circular 1/09 relating to rights of way, most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and, as such, these issues are usually dealt with at the reserved matters stage. Nevertheless, and as set out above, there appears no reason in principle why a suitable solution could not be found at that time. Insofar as the amenity impacts of the proposed development (i.e. the impacts on the amenity value of the rights of way as leisure / recreational routes given that they would no longer pass through a section of undeveloped countryside) are concerned, it is likely that some adverse impacts on its value in this regard would be likely to result and, whilst not in their own right considered sufficient to render the development unacceptable, would nevertheless weigh against the proposals to some degree.

Transportation Contributions

In addition to the wider highway network mitigation referred to above, the County Highway Authority requires the following (and to be secured by way of Section 106 obligations):

- (i) Travel Packs (one per dwelling) to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (these can be provided by the County Council if required at a cost of £52.85 per pack);
- (ii) Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour (these can be provided by the County Council if required at an average cost of £350 per pass);
- (iii) A contribution of £6,000 to Leicestershire County Council towards STARS (Sustainable Travel Accreditation and Recognition Scheme) (i.e. Travel Plan monitoring);
- (iv) A contribution of £7,500 to Leicestershire County Council towards the consultation process for the proposed toucan crossing on Thornborough Road; and
- (v) Submission / approval of a construction traffic routeing agreement

The applicant is agreeable to (i) to (v) above (albeit considers that the STARS contribution may not be necessary in the event that Travel Plan monitoring is undertaken directly by the developer).

Flood Risk and Drainage

A Flood Risk Assessment and Outline Drainage Strategy and two Foul Drainage Analysis reports have been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1 (i.e. less than a 1 in 1,000 annual probability

of river or tidal flooding in any one year) and, on this basis, the site is considered to pass the sequential test.

Insofar as other sources of flooding are concerned, the Flood Risk Assessment and Outline Drainage Strategy considers, in particular, the potential impacts from surface water, and identifies two areas at high risk of surface water flooding. To mitigate the risk of surface water flooding, the submissions recommend minimum finished floor levels within the development, and the attenuation of surface water run-off rates. No objections are raised to the development by the Lead Local Flood Authority subject to the imposition of appropriate conditions.

Insofar as foul sewage is concerned, the submitted Foul Drainage Analysis reports confirm that, subject to planned improvements at the Snarrows Sewage Treatment Works, the existing foul system would have sufficient capacity to accommodate the development; no objections are raised by Severn Trent Water.

Ecological Issues

The application is supported by an Ecological Survey Report. This suggests that the habitats on the site are of low value, and any loss of habitat identified as having no more than a negligible impact at site level. Insofar as other sites of ecological interest in the vicinity are concerned, the Ecological Survey Report suggests that it would be necessary to ensure that adequate green space, footpaths etc. were included for recreational use within the development so as to minimise use of nearby sites. It also suggests that the Local Planning Authority would need to consult with Natural England so that Natural England could propose the extent of this mitigation. However, the development does not appear to fall within the scope of those for which Natural England requires consultation and, furthermore, it is considered that the onus is on the applicant rather than Natural England (or the Local Planning Authority) to propose mitigation measures.

In terms of protected species, the Ecological Survey Report suggests as follows:

Bats:

The site supports "around" four species of bat (albeit some were recorded in low numbers). The Report suggests provision of new habitat and reductions in artificial lighting would be suitable mitigation for the adverse effects on habitat.

Badgers:

No setts were identified and no impact is therefore anticipated.

Breeding Birds:

17 species were recorded during surveys; the Report suggests that, subject to mitigation (including retention of hedges), the impacts of the development would not be unacceptable.

Great Crested Newts:

Ponds within the vicinity of the site were found to have no Great Crested Newts present, or were otherwise considered unlikely to be suitable. Other ponds identified in the Report were not surveyed as they were on private land.

Leicestershire County Council's Ecologist has been consulted on the proposals, and considers that the Ecological Survey Report is acceptable, with no direct impacts to protected species identified. The County Ecologist therefore raises no objections subject to conditions (and including in respect of the implementation of the mitigation set out in the Report).

Design

The need for good design in new residential development is outlined in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan and Paragraphs 56 to 64 of the NPPF.

The application is supported by a Design and Access Statement and a Building for Life 12 assessment setting out the applicants' proposals, and explaining the approach taken in terms of design; the applicant's Building for Life 12 assessment concludes that a "green" would be achieved under all 12 criteria.

Having reviewed these documents and the illustrative proposals, the District Council's Urban Designer has raised concerns regarding the illustrative scheme, and updated supporting information (including an amended Design and Access Statement) has been submitted. On the basis of the updated submissions, the Urban Designer considers that the scheme would score "reds" in 8 of the 12 Building for Life criteria. Of the remaining criteria, the Urban Designer's Building for Life assessment identifies 2 "ambers" and 2 (meeting local housing requirements and external storage and amenity space) to be confirmed. However, it is noted that two of the "reds" identified by the Urban Designer (Building for Life questions 2 and 3 relating to services and public transport) are on the basis that the site is not allocated or within Limits to Development. It is not however considered that the scheme is unacceptable per se in respect of these issues (notwithstanding that the site is not identified as suitable for housing in the submitted Local Plan), and the view is taken that these two items could be "greens" (but still leaving a total of 6 "reds").

Concerns raised include the need to provide for the following:

- the use / framing of existing features;
- the creation of a stronger, more legible and connected street network;
- three illustrative street types (and including a simple, straight, tree-lined avenue across the site to aid legibility)
- a rhythm and form of development along Thornborough Road that respects the character of the street;
- a "loosening" of development along Spring Lane and its western edge; and
- improved notation on the illustrative plans.

The District Council's Urban Designer is of the view that, if these design principles were addressed, the number of homes which may be achievable on the site in an appropriate manner may end up being lower than the "up to" 270 for which outline planning permission is sought. As such, in order to ensure that the Local Planning Authority can be satisfied that the scale of development proposed could, in principle, be provided on the site whilst meeting the design requirements of National and local policy, these issues would need to be addressed at the outline stage.

In the absence of suitable evidence to demonstrate this, it is considered that the applicant has failed to provide for an appropriate form of design of the scheme, and refusal on this issue is recommended.

Should planning permission be refused and the matter progress to an appeal, however, and should appropriate supporting information be provided in the meantime which demonstrates to the District Council's Urban Designer's satisfaction that an acceptable form of development capable of accommodating the scale of development sought (when assessed against Building for Life 12) could be achieved, it is recommended that the associated reason for refusal not be

pursued on this issue. However, the view is taken that, even if this were the position, this would not indicate that the absence of this element of harm to the social and environmental strands of sustainable development would be sufficient to reach a different position overall in terms of the development's acceptability.

Loss of Agricultural Land

The site is currently in agricultural use and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Having regard to the need to ensure an ongoing five year supply of housing land (and to the need to release greenfield land allocated for development in the submitted Local Plan), it would be necessary to allow some agricultural land to be developed. Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Best and Most Versatile (BMV) agricultural land is defined as that falling within Grades 1, 2 and 3a of the Agricultural Land Classification.

The application documents do not contain any detailed assessment of the agricultural quality of the site, but the Planning Statement comments that "its loss would not be significant in Framework terms", and the applicant refers to Natural England's Provisional Agricultural Land Classification maps which record the site as being within Grade 3. Given that the subgrade within Grade 3 (i.e. 3a or 3b) is not known, it is not possible to conclude whether or not BMV land would be affected.

Assuming the site were to include land within Grade 3a, however, it is also considered relevant to have regard to the extent of the loss. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process and the loss of 20 or more hectares (i.e. more than the area of the application site) is generally considered significant. Whilst any loss of higher quality agricultural land would, to a degree, weigh against the proposals in assessing whether the scheme constitutes sustainable development in the overall planning balance, on the basis of the above it is accepted that the extent of any BMV loss is unlikely to render the development unacceptable.

Historic Environment

The site does not contain, nor is in close to proximity of any listed buildings or Conservation Areas. In terms of non-designated heritage assets, the application is supported by an Archaeological Desk-Based Assessment; this concludes that the site contains one non-designated asset, a HER record relating to a find of a small number of sherds of Roman pottery. The Assessment indicates that these finds are consistent with a general "background noise" of activity that is recorded throughout the wider study area and do not indicate a significant archaeological asset. In terms of the potential for as-yet to be discovered archaeological assets within the site, the Assessment concludes that the site has a low potential for any significant archaeological evidence. On this basis, the Assessment suggests that the development would have no impact on the significance of any heritage assets and there should be no requirement for any archaeological mitigation.

Paragraph 128 of the NPPF provides that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based

assessment and, where necessary, a field evaluation." Paragraph 131 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and Paragraph 135 requires that the effect of an application on the significance of a non-designated heritage asset be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The County Archaeologist considers that that the submitted Archaeological Desk-Based Assessment significantly underplays the archaeological potential of the site which has not undergone any previous archaeological investigation. The County Archaeologist advises that fieldwalking surveys undertaken in the surrounding area have identified a number of potentially significant archaeological sites, including an extensive scatter of Roman pottery indicative of settlement (which may extend into the south-western corner of the application area itself) and various other finds in the vicinity. The County Archaeologist advises that the proposals include operations that may destroy any buried archaeological remains that are present, and that the archaeological implications cannot be adequately assessed on the basis of the currently available information. On this basis, the County Archaeologist has requested that the applicant undertake an Archaeological Impact Assessment of the proposals, including fieldwalking and geophysical surveys of the application site followed by a trial trench field evaluation, based on the results of the fieldwalking and geophysical surveys so as to identify and locate any archaeological remains of significance, and to propose suitable treatment to avoid or minimise damage by the development.

In response, the applicant advises that it has instructed its heritage consultants to undertake the fieldwalking and geophysical surveys but that these will not be undertaken until the end of August 2017 (i.e. once the crops on the site have been harvested). However, the applicant is not agreeable to extending the application determination date beyond 4 August 2017, and the application must therefore be determined on the basis of the information as submitted. On the basis of the evidence currently available, therefore, insufficient information has been provided to enable the County Archaeologist to come to a reasoned view on the likely archaeological impacts of the proposed development. As such, the applicant has not provided the information necessary to enable the NPPF requirements referred to above to be met, and the Local Planning Authority is unable to determine if harm to a non-designated heritage asset would result (and, if so, the extent of that harm, nor the significance of any assets that may be present), and an informed view on the impacts cannot be reached. As such, and given the resulting conflict with the NPPF's requirements at this time, refusal on this issue is recommended.

Should planning permission be refused and the matter progress to an appeal, however, and should appropriate supporting information be provided in the meantime which demonstrates to the County Archaeologist's satisfaction that no unacceptable impacts on heritage assets would result, it is recommended that the associated reason for refusal not be pursued on this issue. However, the view is taken that, even if this were the position, this would not indicate that the absence of this element of harm to the environmental strand of sustainable development would be sufficient to reach a different position overall in terms of the development's acceptability.

Neighbours' and Future Occupiers' Amenities

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the impacts on the future living conditions of residents of the proposed development, having regard to the site's location, as well as on existing residents arising from the proposed development. These are considered in turn below.

In terms of future residents' amenities, the application is accompanied by a Noise Assessment Report which identifies that the dominant noise source affecting the site would be road traffic and noise from industrial premises, together with potential mitigation (including provision of stand-off distances, erection of fencing and installation of double glazing); subject to the imposition of conditions securing this mitigation where relevant, no objections on noise grounds are raised by the District Council's Environmental Protection team.

Insofar as the amenity impacts on neighbouring occupiers arising from the proposed development are concerned, whilst an illustrative development framework plan has been submitted, all matters (other than the proposed vehicular accesses) are reserved for subsequent approval. Whilst the illustrative material indicates that an acceptable relationship between existing and proposed dwellings would be achievable, any reserved matters scheme would need to be appropriately devised to the boundaries of the site adjacent to other dwellings (and, in particular, those on Thornborough Road) so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity. There is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard. Based on the locations of the proposed vehicular accesses, it is not considered that any unacceptable impacts on occupiers of dwellings in the vicinity of those accesses (and including from vehicular movements and, potentially, vehicle headlights etc.) would be likely to result.

Air Quality

The application is supported by an Air Quality Assessment (and which has been amended during the course of the application to address concerns initially raised by the District Council's Environmental Protection team, and to reflect the updated traffic flows set out within the revised Transport Assessment). The Assessment considers the effects during both the construction and operational phases, with the associated emissions being principally in respect of dust / fine particulate matter and road traffic within the two phases respectively.

In terms of the impacts of the construction phase, the Air Quality Assessment identifies the risk of dust soiling effects as "high" for earthworks and construction, and "medium" for "trackout" (i.e. the transportation of dust and dirt from the site). The Assessment concludes, however, that subject to implementation of a range of measures (including the implementation of a dust mitigation plan), that the effects during construction would not be significant.

Insofar as the operational phase is concerned, the Air Quality Assessment indicates that there would be a negligible impact on concentrations of nitrogen dioxide and particulate matter at all fourteen existing sensitive receptors (including those within the Coalville Air Quality Management Area (AQMA)), nor would the development result in exceedance of the nitrogen dioxide and particulate matter annual mean air quality objectives in 2023.

The District Council's Environmental Protection team raises no objections to the development in respect of this issue, and the proposals are considered acceptable in terms of their air quality impacts.

Geotechnical Issues and Land Contamination

The application is accompanied by a Phase 1 Desk Study assessing the potential hazards / contamination risks. This concludes, amongst others, that no further investigation or remediation

is necessary with regard to coal mining issues, and recommends further, intrusive, site investigations in respect of ground conditions in due course. The District Council's Environmental Protection team raises no objections in this regards subject to conditions in respect of further investigations / remediation as necessary.

Other Matters

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development; and
- fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

Affordable Housing

In accordance with the District Council's adopted Affordable Housing SPD, an affordable housing contribution of 20% is proposed. Having regard to the existing position with regards to affordable housing within the District (and the shortfall vis-à-vis the requirement set out in the HEDNA), it is considered that significant weight ought to be attached to the contribution that this development would make.

For its part, the District Council's Strategic Housing team advises that it would be seeking a tenure mix of 79% affordable rented and 21% intermediate housing in accordance with the District Council's adopted SPD (and suggests a range of dwelling types / sizes within those tenure types).

Transportation and Accessibility Contributions

These are as set out under Means of Access, Highways and Transportation Issues above.

Education

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

Primary School Requirements:

The site falls within the catchment area of New Swannington Primary School. The school has a net capacity of 203 and 261 pupils are projected on the roll should this development proceed, a deficit of 58 pupil places.

However, having regard to existing capacity at six other primary schools within a two mile walking distance of the development (namely Belvoirdale Community, Thringstone, Broom Leys, All Saint's C of E, Swannington C of E and Whitwick St John the Baptist C of E Primary Schools), there is an overall surplus of 49 places in this sector, and a primary school sector education contribution is not therefore requested.

High School Requirements:

The site falls within the catchment area of Castle Rock High School. The School has a net capacity of 600 and 755 pupils are projected on roll should this development proceed, a deficit of 155 pupil places. A total of 90 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 65 pupil places (of which 38 are existing and 27 would be created by this development). There is one other high school within a three mile walking distance (Newbridge High School), but it also has a deficit, and a request for an education contribution in respect of the additional deficit places created by the development within the high school sector is made (£482,656.59), and would be used for improving, remodelling or enhancing existing facilities at Castle Rock High School.

Upper School Requirements:

The site falls within the catchment area of King Edward VII Science and Sport College. The school has a net capacity of 1,193 and 1,247 pupils are projected on roll should this development proceed, a deficit of 54 pupil places.

However, having regard to existing capacity at the other upper school within a three mile walking distance of the development (Stephenson Studio School), there is an overall surplus of 255 places in this sector, and an upper school sector education contribution is not therefore requested.

Special School Requirements:

There are five Area Special Schools in Leicestershire; the closest school to this development is the Forest Way School in Coalville. The school currently has capacity for 131 pupils and 221 pupils are projected on roll should this development proceed, a deficit of 90 pupil places. There are no other Special Schools in the locality of the development and, in order to provide the additional Special School places anticipated as a result of the proposed development, the County Council requests a total contribution for the special school sector (primary and secondary) of £94,803.06.

The applicant is agreeable to making the education contributions sought for the purposes of the planning application, but indicates that a different position may be taken in the event that the matter is the subject of an appeal.

Library Services

Leicestershire County Council advises that an additional 389 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 937 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £8,150 towards library services is therefore requested by the County Council. The applicant is agreeable to making the library contributions sought for the purposes of the planning application, but indicates that a different position may be taken in the event that the matter is the subject of an appeal.

Civic Amenity

Leicestershire County Council advises that an additional 74 tonnes of municipal waste are anticipated to be generated annually by the proposed development, and a contribution of £17,653 towards additional facilities at the Coalville Civic Amenity site is therefore requested by the County Council. The applicant is agreeable to making the civic amenity contributions sought for the purposes of the planning application, but indicates that a different position may be taken in the event that the matter is the subject of an appeal.

Children's Play, Public Open Space and National Forest planting

Policies L21 and L22 of the adopted Local Plan require the provision of children's play areas and formal recreation open space respectively; these requirements are also reflected in Policy IF3 of the submitted Local Plan and the District Council's Play Area Design Guidance SPG.

The submitted development framework plan shows a significant proportion of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space, with the open space including an on-site equipped children's play area. In terms of the extent of the equipped parts of the play area, on the basis of the illustrative details, this is indicated on the illustrative development framework plan as being approximately 1,600 square metres in area. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of, say, 270 dwellings, an area for children's play of 5,400 square metres would normally be required. Whilst this would represent a significant shortfall in this regard, the extent of the "play area" in its general terms (which is the figure to which the SPG relates) is normally calculated in its wider sense and the development framework plan indicates a "wider" play area of 5,200 square metres. When taking into account the other landscaped open space in the immediate vicinity of the equipped play area, the minimum requirements of the SPG would be comfortably met. Overall, the illustrative material indicates that approximately 48% of the site would be given over to green infrastructure (and including public open space, landscaping and National Forest planting).

Insofar as the requirements relating to formal recreation open space / sports pitches are concerned, the submitted development framework plan indicates that this would be provided by way of off-site contribution, and the applicant has indicated that, subject to the relevant open space authority (i.e. Whitwick Parish Council) confirming that a contribution would be required in order to accommodate the proposed development, it would be willing to make such a contribution (albeit subject to what exactly was sought by the Parish Council). At the time of preparing this report, confirmation of any requirement was awaited from the Parish Council.

The submitted development framework plan also indicates that, as part of the overall open space proposals, provision of allotments would be made by way of off-site contribution. Again, Whitwick Parish Council's response on this issue is awaited and, as per sports pitch provision above, the applicant has indicated that, subject to the Parish Council confirming that the contribution would be required, it would be willing to make it (and, similarly, subject to agreement over the exact nature of any contribution as sought by the Parish Council).

Insofar as National Forest planting is concerned, the National Forest Company notes that, for a development of this scale, 30% of the site (i.e. 4.52ha) would be required to be provided as woodland planting and landscaping and, at 3.27ha, the scheme shown on the development framework plan would fall short in this regard. However, having regard to other open space and SUDS measures proposed, the National Forest Company accepts that the proposals are acceptable overall in this regard and raises no objections subject to a minimum of 3.27ha of woodland planting being provided, and subject to the proposed play area being of a "natural" / timber format as set out in the submission.

Overall in terms of public open space and other green infrastructure, therefore, subject to the satisfactory provision of the measures proposed (and including any off-site formal recreation open space and allotment contributions as may be identified and demonstrated as necessary by the Parish Council), the proposals are considered acceptable.

Healthcare

West Leicestershire Clinical Commissioning Group (CCG) requests a developer contribution of £47,157.43 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on the Ibstock House, Whitwick Road, Broom Leys and Whitwick Health Centre surgeries) together with commensurate costs of mitigation. The applicant is agreeable to making the healthcare contributions sought for the purposes of the planning application, but indicates that a different position may be taken in the event that the matter is the subject of an appeal.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations.

Overall Planning Balance, Contribution to Sustainable Development and Conclusions

As set out within the report above, the proposed development would conflict with the policies of both the adopted and submitted North West Leicestershire Local Plans and, in particular, in respect of Policies S3 (of both Local Plans) which presume against non-essential development within the countryside. Whilst the site also lies within a Green Wedge as set out in the adopted Local Plan, for the reasons set out above, it is not considered that significant weight ought to be attached to the resulting conflict with adopted Policy E20. However, the proposals' conflict with Policies S3, particularly when considered in the context of the resulting landscape and visual impacts, would be harmful.

Having regard to the three dimensions of sustainable development, it is accepted that the proposals would sit well in terms of the economic role insofar as it would make a positive contribution to economic growth associated with the proposed development, would result in a New Homes Bonus for the local authority (identified by the applicant as being £2.5m over a six year period) and, subject to appropriate contributions to local services being made (and subject to an appropriate form of mitigation for the impacts on the local highway network), would be accompanied by the provision of infrastructure. Having said that, however, it is acknowledged that the economic benefits which would accrue would not only be achievable by the development of this site; there is no reason to suggest that they could not equally be achieved by the development of other sites within Limits to Development or allocated for residential development in the Local Plan.

Insofar as the social dimension is concerned, whilst the development would (again, like other sites) bring the benefit of providing additional housing, and whilst the need to boost housing supply is a key message of the NPPF, the District currently has a five year supply of housing land, and the weight to be afforded to the benefit of boosting supply as a material consideration ought to be adjusted accordingly. The scheme would also deliver a 20% affordable housing contribution which would be a positive in respect of this dimension of sustainable development, as would the associated provision of public open space and other green infrastructure, together with the proposed car park area to serve the existing primary school. Whilst the proposed car park could be considered to represent a community benefit (and even when putting the concerns as raised by the Local Education Authority and as set out under Means of Access, Highways and Transportation Issues above to one side), it is not considered that this benefit would be so significant as to warrant more than limited weight to be attached to its provision.

For the reasons set out under Design above, the development would be considered to perform poorly in respect of the social dimension insofar as the requirement of creating a high quality built environment is concerned.

In terms of the environmental dimension, however, for the reasons set out within the report, whilst the proposals have the potential to perform well in terms of need to travel and the movement towards a low carbon economy, they would be considered unacceptable given the impacts on the countryside, the design concerns referred to above, and the potential impact on non-designated heritage assets.

Under the approach set out in Paragraph 14 of the NPPF, it is necessary to determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so; for the reasons set out above, it is considered that they would. Similarly, under Paragraph 12 it is noted that the proposals would conflict with the development plan and, when taking into account other material considerations and the weight to be attached to them in this instance, it is not considered that these ought to outweigh the policy conflict. Refusal is therefore recommended.

RECOMMENDATION- REFUSE, for the following reason(s):

- 1 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Paragraph 17 provides that planning should recognise the intrinsic character and beauty of the countryside. The site falls outside Limits to Development as defined in both the adopted and submitted North West Leicestershire Local Plans; Policies S3 of both the adopted and submitted Local Plans set out the circumstances in which development outside Limits to Development would be acceptable. The proposed development would not meet the relevant Local Plan criteria for development outside Limits to Development. Approval of the development would therefore result in the unnecessary development of land located outside Limits to Development with associated significantly adverse landscape and visual effects, not constituting sustainable development, and contrary to the policies and intentions of the NPPF and Policies S3 of both the adopted and submitted North West Leicestershire Local Plans.
- 2 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development (and including its social and environmental dimensions) and also provides that the planning system needs to perform social and environmental roles, including in respect of creating a high quality built environment, and contributing to protecting and enhancing our built environment. Paragraph 56 provides that good design is a key aspect of sustainable development and Paragraph 64 provides that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policies E4 and H7 of the adopted North West Leicestershire Local Plan require new development to respect the character of its surroundings and that good quality design will be sought in all new housing development and Policy D1 of the submitted North West Leicestershire Local Plan provides that the District Council will support well designed developments that, as a minimum, offer a good standard of design. The application as submitted does not demonstrate that the development proposed would be of a good standard of design,

not constituting sustainable development, and contrary to the design and built environment aims of the NPPF, the provisions of Policies E4 and H7 of the adopted North West Leicestershire Local Plan and Policy D1 of the submitted North West Leicestershire Local Plan.

- 3 Paragraph 7 of the National Planning Policy Framework (NPPF) defines sustainable development (and including its social and environmental dimensions) and also provides that the planning system needs to perform social and environmental roles, including in respect of supporting the community's cultural well-being, and contributing to protecting and enhancing our historic environment. Paragraph 128 provides that, where a site on which development is proposed has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation and Paragraph 135 requires that the effect of an application on the significance of a non-designated heritage asset be taken into account in determining the application. Policy He1 of the submitted North West Leicestershire Local Plan requires, amongst others, that proposals for development demonstrate a clear understanding of the significance of heritage assets and that they would not result in harm to those assets. The application as submitted does not include sufficient information to demonstrate that non-designated heritage assets would not be affected (and, accordingly, whether any harm would result to any such assets and, if so, the scale of any harm to them, and the assets' significance). Approval of the proposals could therefore result in unacceptable harm to non-designated heritage assets, not constituting sustainable development, and contrary to the historic environment aims of the NPPF and Policy He1 of the submitted North West Leicestershire Local Plan.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.