

Carrying out of residential development of up to 800 dwellings with associated highway works, including demolition of existing buildings, drainage infrastructure, formation of two new accesses onto Grange Road, a local centre (comprising uses within classes A1-A5, B1, C2, C3 and D1 of the Use Classes Order), new primary school, public open space, play areas and landscaping (outline - all matters (other than part access) reserved) approved under planning permission ref. 13/00415/VCUM without complying with Condition nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 15, 16, 19, 20, 27, 28, 30, 31, 32, 33, 34, 35, 36 and 38

Report Item No
A1

Land At Lower Bardon Grange Road Hugglescote Coalville
LE67 2BT

Application Reference
16/01187/VCIM

Applicant:
Wilson Enterprises Limited

Date Registered:
12 October 2016

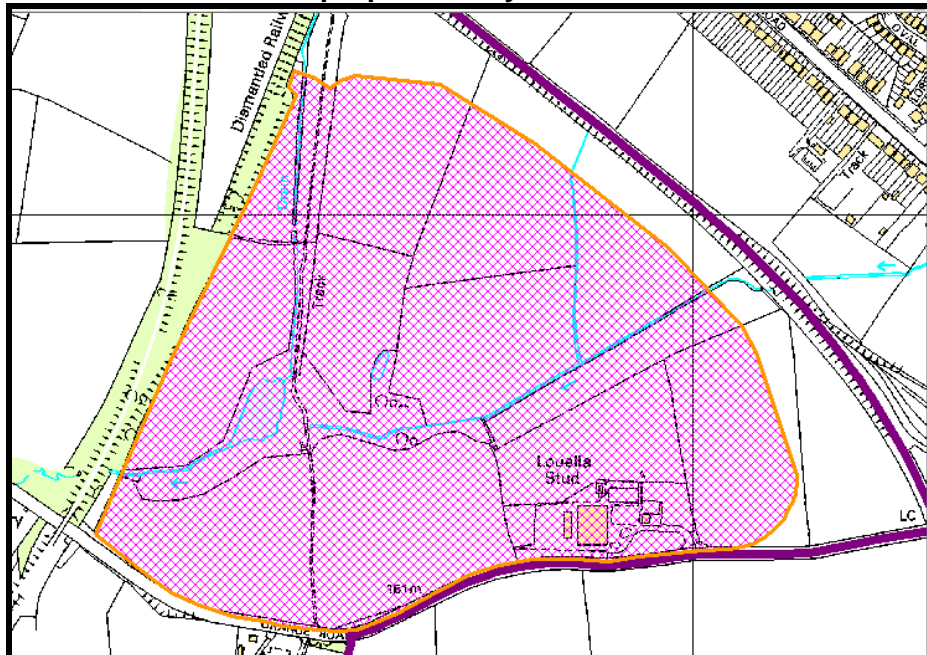
Case Officer:
James Knightley

Consultation Expiry:
26 September 2017
8 Week Date:
11 January 2017

Recommendation:
PERMIT subject to S106 Agreement

Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application is made under Section 73 of the Town and Country Planning Act 1990, in effect seeking permission for an amended scheme in respect of an existing outline planning permission for a mixed use development including up to 800 dwellings.

Consultations

Members will see from the main report below that objections have been received from Hugglescote and Donington le Heath Parish Council; no objections have been received from other statutory consultees in respect of the proposals.

Planning Policy

The application site is allocated for residential development and associated works within the adopted North West Leicestershire Local Plan and is identified as a site with planning permission within the submitted North West Leicestershire Local Plan.

Conclusion

The report below accepts that, in the event that a full 20% affordable housing contribution is provided, the currently permitted scheme is unviable and, whilst to become viable, reduced contributions would need to be made in respect of both affordable housing and transportation infrastructure, the view taken is that, when having regard to the need for developments to remain deliverable in viability terms, the development would remain sustainable overall and would be acceptable. It is also considered that the revised vehicular accesses proposed to serve the development would be acceptable in highway safety terms.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO CONDITIONS

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

In July 2012, outline planning permission 12/00376/OUTM was granted on this site for up to 800 dwellings; in August 2013 a Section 73 permission was granted relating to the originally imposed conditions in respect of off-site highways works at M1 Junction 22 and A42 Junction 13 (ref. 13/00415/VCUM).

In February 2016, a reserved matters scheme in respect of the site's construction access was approved (ref. 16/00039/REMM); the development was commenced shortly afterwards in accordance with this reserved matters approval, thus implementing the planning permission.

Further to the previously issued Section 73 permission (13/00415/VCUM), a second Section 73 application is now submitted in respect of permission ref. 13/00415/VCUM, proposing a number of additional amendments to conditions, the principal changes to which are as follows:

Condition No:

- 4 List of approved outline planning permission drawings - Amendments to include amended proposed site access plans
- 5 Compliance with a site-wide masterplan - Amendments to include reference to a revised masterplan
- 7 Compliance with a site-wide Design Code - Amendments to include reference to a revised Design Code
- 8 Surface water infiltration removal strategy - To be deleted (as no longer required by Severn Trent Water)
- 19 Requirement for a minimum of 10% of the energy supply of the development to be secured from decentralised and renewable or low-carbon energy sources - To be deleted
- 20 Requirement for reserved matters applications to include details of the proposed dwellings' performance under the (former) Code for Sustainable Homes - To be deleted
- 28 Implementation of off-site highway works at M1 Junction 22 and A42 Junction 13 - To be deleted (as works at those junctions have now been implemented)
- 32 Restriction on occupation beyond 600 dwellings until such time as a vehicular link between the site and Bardon Road has been provided - To be deleted
- 34 Provision of a new bus service between Coalville and Leicester city centre - To be deleted

In addition, a number of other conditions are proposed but for principally administrative / technical reasons rather than in terms of their substance. These are as follows:

Condition No:

PLANNING APPLICATIONS- SECTION A

- 1 Time limit condition relating to commencement of development - To be deleted (as the planning permission has been implemented)
- 2 Approval of reserved matters - Minor amendments to reflect commencement of development
- 3 Timescale for submission of reserved matters - Minor amendments to wording to reflect previous submission of the initial reserved matters proposals
- 9 Scheme of foul and surface water drainage - Minor amendments to wording to reflect commencement of development
- 10 Scheme of surface water drainage in accordance with the approved Flood Risk Assessment - Minor amendments to wording to reflect commencement of development
- 11 Approval of watercourse crossings - Minor amendments to wording to reflect commencement of development
- 15 Approval of a landscape and biodiversity management plan - Minor amendments to wording to reflect commencement of development
- 16 Undertaking of updated ecological surveys - Minor amendments to wording to reflect commencement of development
- 27 Approvals of precise details of Environmental Statement mitigation measures - Minor amendments to wording to reflect commencement of development
- 30 Timescale for provision of proposed western vehicular access - To be amended to relate to the proposed revised access plans referred to under 4 above
- 31 Timescale for provision of proposed eastern vehicular access - To be amended to relate to the proposed revised access plans referred to under 4 above
- 33 Scheme of pedestrian and cycle improvements - Minor amendments to wording to reflect commencement of development
- 35 Implementation of a site vehicle construction management plan - Minor amendments to wording to reflect commencement of development
- 36 Scheme of works to the Bardon Hill level crossing - Minor amendments to wording to reflect scheme previously approved under this condition
- 38 Details of watercourse crossings - Minor amendments to wording to reflect commencement of development

In addition, amendments to the previously agreed Section 106 obligations are also proposed, as follows:

Affordable Housing:	Reduced from 20% to 7.5%
Civic Amenity:	Reduced from £56,785 to £52,304
Primary School contribution:	Increased from £3,147,000 to £3,284,739
Bus Passes / Travel Packs:	£700.18 per dwelling in lieu of previously agreed provision of passes and packs to occupiers of new dwellings (potentially secured via a Section 278 agreement if necessary)
Highways Improvement Contribution:	£2,960 per dwelling in lieu of previously agreed £790,619 off-site highway contribution (potentially secured via a Section 278 agreement if necessary)

Other previously agreed obligations (including in respect of libraries, recreation / formal open space / National Forest planting, reservation of land for a future link road, a TRO contribution, healthcare, air quality and provision of the proposed on-site primary school) would remain unchanged.

The original proposals constituted EIA development and, accordingly, this Section 73 application is accompanied by an Environmental Statement Addendum assessing any changes in anticipated environmental impacts likely to arise as a result of the proposed changes. The findings of the Environmental Statement Addendum are taken into account in reaching the conclusions set out within the application assessment below.

2. Publicity

No neighbours notified.

Site Notice displayed 11 November 2016.

Press Notice published Leicester Mercury 16 November 2016.

3. Summary of Consultations and Representations Received

Environment Agency has no objections subject to conditions

Highways England has no objections

Hugglescote and Donington le Heath Parish Council comments as follows:

- "Punch-through" to Bardon Road should be provided
- Amended access proposals would result in three junctions in close proximity to one another
- Grange Road speed limit disregarded
- Vehicular access hazards caused by HGVs would be increased if the Bardon Road vehicular link was provided
- A significant proportion of traffic along Grange Road is through traffic and should be made less attractive to traffic to reduce use of Hugglescote Crossroads (e.g. by using a roundabout to the western access)
- Speed limits should be amended
- Site too far from local amenities to be sustainable
- Proposed pedestrian and cycle links should be retained
- Insufficient school capacity

- Insufficient sport / recreation facilities proposed
- No evidence of affordable housing being created on the site
- Roundabout access appears to have been removed as a cost-cutting exercise
- Roundabout access assists in terms of highway safety

Leicestershire County Council Education Authority requests the provision of a site for a new primary school together with a financial contribution of £3,284,739

Leicestershire County Council Highway Transportation & Waste Management Authority requests a civic amenity contribution of £52,304

Leicestershire County Council Library Services Development Manager requests a developer contribution of £43,000

Leicestershire County Council Highway Authority has no objections

Leicestershire County Council Lead Local Flood Authority has no comments

Leicestershire Footpath Association objects on the following grounds:

- Condition 33 (relating to provision of pedestrian and cycle improvements) should be retained
- Failure to provide various road and public transport improvements would adversely impact on pedestrians crossing roads and would increase air pollution
- Failure to provide the level crossing improvements would adversely impact on safety (and including pedestrians)
- Proposals should still be required to provide environmental improvements

Network Rail has no objections

North West Leicestershire District Council Environmental Protection has no objections

Ramblers' Association objects on the following grounds:

- Condition 33 (relating to provision of pedestrian and cycle improvements) should be retained
- Condition 36 (relating to the level crossing improvements) should be retained for safety reasons
- A new application should be made given the number of conditions proposed to be amended

Third Party representations

Representations have been received from one third party, raising the following objections:

- Unsafe vehicular access
- Development unsustainable in the absence of the Bardon Road vehicular link
- Pedestrian and cycling use of the former mineral railway line should be provided for
- Grange Road speed limit disregarded
- Vehicular access hazards caused by HGVs would be increased if the Bardon Road vehicular link was provided
- Grange Road should be made less attractive to traffic to reduce use of Hugglescote Crossroads (e.g. by using a roundabout to the western access)

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 50 (Delivering a wide choice of high quality homes)
Paragraphs 56, 57, 59, 61 and 64 (Requiring good design)
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 part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g). The following Local Plan policies are relevant to this application:

Policy E4 - Design
Policy T3 - Highway Standards
Policy H8 - Affordable Housing

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.

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 undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. 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 application site is part of a larger area of land with planning permission identified under Policy H1 (site H1h) of the submitted North West Leicestershire Local Plan.

The following draft Local Plan policies are considered relevant:

Policy D1 - Design of new development

Policy H4 - Affordable housing

Policy IF1 - Development and infrastructure

Policy IF4 - Transport infrastructure and new development

5. Assessment

Key Issues and Approach to Determination

As set out above, outline planning permission was originally granted in July 2012 and, since that time, the District and County Councils have been taking an alternative approach to determining proposals for major residential development in the Coalville area (and, in particular, the approach taken to securing the transportation infrastructure necessary to support this wider growth). The applicant's current proposals seek, in effect, to bring the development of this site in line with the approach subsequently taken in respect of the remainder of the South East Coalville area.

Whilst a significant number of conditions are proposed to be amended / deleted, it is considered that the key issues relate to the changes regarding site access, impacts on the wider highway network and affordable housing, and whether the proposals (given the viability constraints set out below) would remain as sustainable development in NPPF terms.

Insofar as the principle of development is concerned, it is noted that the site has the benefit of an existing outline planning permission (and which has been implemented within the requisite timescales). The site also has the benefit of an allocation for these purposes within the adopted North West Leicestershire Local Plan and, under Paragraph 14 of the NPPF, development which accords with the development plan should be approved without delay. Whilst (as accepted by the Local Planning Authority when permitting the original application) the proposals would not meet all of the criteria set out within adopted Local Plan Proposal H4g, the use itself would accord with Policy H4 / Proposal H4g, and would continue to do so. However, regard also needs to be had to other development plan policies, and to other material considerations (including National policy as set out in the NPPF / Planning Practice Guidance, and the policies of the submitted Local Plan).

Site Viability

Paragraph 173 of the NPPF provides that *"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

The applicant is of the view that, having regard to (amongst others) the range of obligations secured under the existing Section 106 agreements, the development of the site would be unviable, and an assessment to demonstrate the extent of the site's viability has been submitted. This has been reviewed by an independent assessor on behalf of the Local Planning Authority, and the findings are accepted.

Having regard to the approach taken elsewhere in South East Coalville and to the District Council's adopted *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, the applicant proposes addressing the shortfall in viability by reducing the affordable housing contribution. A contribution of 7.5% (which mirrors that secured for the larger South East Coalville consortium site (planning permission ref. 13/00956/OUTM)), has been tested and,

when provided alongside the other contributions set out under Proposals and Background above, would be viable.

Affordable Housing

As set out above, in order to render the development viable, the amended proposals would result in a reduction in the affordable housing contribution from a policy-compliant 20% to 7.5% which, in the event that the site was developed out to its full extent (800 dwellings), would equate to a reduction from 160 to 60 affordable dwellings. A significant housing need already exists within the District, with the recently undertaken Housing and Economic Development Needs Assessment (HEDNA) identified that the level of affordable housing needed would equate to approximately 41% of the overall housing needs of the District. A lack of affordable housing in the District would be likely to impact upon some of the most vulnerable people within the District and has the potential to increase the number of homelessness cases. However, this needs to be balanced against the Government's support for Local Planning Authorities taking a proportionate approach to developer contributions and viability (and as indicated in Paragraph 173 of the NPPF) so as to enable sustainable development to come forward, and the need to consider the potentially harmful impact on other service areas were the shortfall in viability to be addressed by way of reductions in contributions to other areas of infrastructure rather than affordable housing. It is also accepted that, whilst the proposals would represent a considerable reduction vis-à-vis the currently approved requirement, 60 affordable units would not, in itself, be insignificant, and (in terms of its affordable housing contribution) compares favourably to other housing developments in the Coalville area where, in accordance with the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, more significantly reduced contributions have been made in favour of contributions made towards transportation infrastructure.

Transportation Contributions and Off-Site Highways Impact

From an off-site / transportation impact point of view, the principal effects of the variation of the conditions proposed would be to "replace" the currently imposed planning conditions (Conditions 32 and 34) which respectively (i) preclude development beyond 600 dwellings until such time as a vehicular link between the site and Bardon Road (also known as the "punch through") has been provided; and (ii) require the provision of a new bus service between Coalville and Leicester city centre with financial contributions in respect of transportation infrastructure. It is also proposed to replace the previously-secured bus pass and travel pack obligations with a commuted sum which the County Council could then apply to public transportation (or other highways infrastructure works).

Given its role in respect of various service areas affected by the proposed development, Leicestershire County Council has sought to take a corporate, cross-service approach to commenting on the application, recognising the finite resources available to the developer in view of the viability constraints. In this case, the County Council has taken the view that it would wish to continue to secure a full education-related contribution and, as a result, is prepared to accept lower transportation contributions than have otherwise been secured elsewhere in the Coalville area.

In terms of the proposed deletion of Condition 32 (the limitation on occupation beyond 600 dwellings until such time as a vehicular link between the site and Bardon Road has been provided), the County Highway Authority notes that the existing planning permission and Section 106 agreement include £790,619 (index linked) of off-site highway mitigation and the

condition, but acknowledges that compliance with the condition is hindered by third party land ownership constraints. It also states that it considers that the provision of the link road is a key piece of infrastructure in terms of both mitigating the impact of this development in directing traffic generated from it into Coalville without a severe impact on the existing highway network, and delivering wider highway network benefits within the Coalville area. The County Council therefore considers that the road is an important component of the strategy for highway improvements in the area, and that commitment to its delivery and the management of highway impacts around Coalville is demonstrated through its partnership working with the District Council on the Coalville Transport Infrastructure package.

Therefore, in order to facilitate planned and managed growth in Coalville in a manner consistent with more recent planning permissions, the County Highway Authority confirms that it has no objection to the removal of Condition 32, subject to (i) the provision of the amended strategic highway contribution of £2,960 per dwelling; (ii) the provision of a continuous road from Grange Road to the north western boundary of the site, constructed to link road standard for future connection to the Bardon link road; and (iii) the reservation of land to connect the link road constructed within the site to Bardon Road, transferred to the County Council for a nominal sum. It is considered that these three requirements of the County Highway Authority could be met by the proposed amended Section 106 / 278 obligations, and by way of an appropriate amendment to the wording of Condition 5 relating to the site-wide masterplan.

Insofar as the proposed deletion of Condition 34 (Coalville to Leicester bus service) is concerned, the County Highway Authority notes that enhancements to both the Coalville to Ibstock and the Coalville to Leicester bus services are included as part of the Coalville Transport Infrastructure package. In order to facilitate a co-ordinated approach to public transport and in a manner consistent with more recent planning permissions, the County Highway Authority confirms that it has no objection to the removal of Condition 34, subject to the proposed sustainable travel contribution of £700.18 per dwelling being secured, which the County Council itself would intend to use towards the provision of the new bus service, as well as for the provision of travel packs and buses passes, and for its STARS Travel Plan monitoring system. It also clarifies that any infrastructure associated with the provision of bus stops within the new development roads would still need to be provided by the developer.

In terms of the off-site impacts on the strategic highway network, the application also proposes deletion of Condition 28 which limits occupation on the site until such time as various works at M1 Junction 22 and A42 Junction 13 have been undertaken. Since the time of the previous permission, various measures have been implemented at these junctions, and the condition is therefore no longer considered necessary; Highways England raises no objections to its deletion.

Other Contributions Related to Leicestershire County Council Services

Civic Amenity:

It is noted that, under the proposed revised suite of contributions, a slightly reduced civic amenity contribution would be provided. However, this is simply in line with the most recent contribution sought by the County Council in this regard, calculated in the context of current capacities and standardised costs of mitigation.

Education:

The Local Education Authority advises that, in order to accommodate the development, a new 210 place primary school (with four classrooms in the first instance) would be required, and the

proposed development should provide for a suitable site and a commuted sum equating to the costs of providing the school itself (£3,284,739) (and potentially including additional provision for any transitional arrangements depending on when exactly within the development process the school would be available). In accordance with the corporate approach taken by the County Council, the applicant is content to provide the full education contribution sought.

Insofar as the revised illustrative masterplan is concerned, this shows the proposed on-site school relocated further south within the site (so as to enable the school to be delivered earlier in the development process if possible). The Local Education Authority raises no objections to this revised location.

Overall Balance of Contributions

As set out above, the developer has, through submission of viability evidence, demonstrated that the development would not be viable if accompanied by all relevant contributions. When assessed against an affordable housing contribution of 7.5%, there is, in effect, a limited "pot" from which other contributions can be achieved. Whilst it would be open to the Local Planning Authority to seek to redistribute financial contributions, the officer view is that, overall, the distribution proposed by the applicant is reasonable and there would be no shortfalls in contributions which, officers' consider, would render the development unsustainable. It is also noted that the distribution suggested has the support of Leicestershire County Council which is the key consultee in respect of a number of the service areas to which contributions would be made (and including education and transportation).

Proposed Revised Vehicular Access

The existing approved scheme shows two principal vehicular accesses to the site from Grange Road, one to eastern end of the site (approximately in the location of the existing Louella Stud complex), and one to the west (approximately mid-way between the former railway bridge and the access to the Grange Farm complex). Both accesses would be priority junctions with the new estate road taking priority over the section of Grange Road between them (i.e. such that drivers wishing to travel along Grange Road past the site would need to "turn off" the main road and then re-join). The revised proposals would result in the priority of Grange Road being retained and would be as follows:

Eastern Access: Provision of a priority access in a similar position as per the existing but with priority being given to traffic on the existing route of Grange Road. The application is also accompanied by an alternative (roundabout) access which is intended to demonstrate that such a junction could be provided in the event that the wider South East Coalville site (which includes land to the opposite side of Grange Road) comes forward, with the roundabout forming the junction with the principal eastern avenue passing through that development to the south.

Western Access: Provision of a priority access opposite the existing Grange Farm complex.

In terms of the proposed revised priority accesses, the County Highway Authority confirms that they have been subject to an independent Stage 1 Road Safety Audit, with no significant concerns being raised.

The County Highway Authority notes that it is proposed to implement a new 40mph speed limit in order to facilitate these works, and in recognition of the more urban / built up environment the development would create. It also confirms that, irrespective of the proposed reduction in speed limit, sufficient visibility splays can be achieved (as shown both on the horizontal and vertical

plane) in accordance with the existing 85th percentile measured speeds. The County Highway Authority confirms that the applicant has consulted with the Police (who are responsible for enforcing vehicle speeds), and that the Police have responded with no objection to the lowering of the speed limit. The County Council advises that a Section 106 contribution of £10,000 will be required in respect of the administrative, legal and signage costs in respect of each Traffic Regulation Order required to facilitate the development.

Insofar as the eastern access is concerned, the County Highway Authority is also satisfied that the details demonstrate that, should the proposed priority junction be implemented, this would not prejudice the future delivery of a roundabout at this location, allowing for a 6.75m wide road, tying in with the proposed Bardon link road, and connecting to the primary road within that part of the wider South East Coalville site to the south of Grange Road.

In conclusion, on the basis of the compliance with design standards, the lack of significant problems identified by the road safety audit, the consistency with the wider growth aspirations around South East Coalville and the support from the Police on the reduction of the speed limit, the County Highway Authority raises no objection to the proposed amendments to conditions relating to the site accesses.

Proposed Masterplan Layout

In accordance with the provisions of the outline planning permission, the original reserved matters application was accompanied by a masterplan; the current application is accompanied by a revised masterplan for the development of the site, reflecting the proposed changes to the scheme including the location of the revised western site access.

The revised masterplan indicates that the proposed commercial development and (as set out under *Education* above) the school would be relocated further south within the site, to the opposite side of the public open space. The original scheme included a sports pitch and a multi-use games area (MUGA) within the school premises, with the intention that there would be managed public use of those facilities outside of school hours. In addition, a second sports pitch was proposed as part of a formal park. Whilst these facilities would still be provided under the revised scheme, the Local Education Authority advises that, given that it is now likely that the new school would be an academy, it may not be possible to secure the out of hours community use of the facilities located within the school if the new school's operator was not agreeable. Whilst this would be unfortunate, and would result in a less satisfactory scheme of publicly available sports and recreation provision, it is nevertheless concluded that, even if public use of the school facilities could not be secured, the overall contributions towards public open space would remain acceptable.

Other Issues

In terms of the applicant's proposed amended Design Code under Condition 7, it is noted that, as of yet, a final version has not been agreed. It is therefore recommended that the requirement to submit a Code for approval be retained (unless, prior to the issuing of any permission in respect of this application, an updated version has been submitted to and agreed by the Local Planning Authority).

Condition 8 required the implementation of an infiltration removal strategy (in effect, a strategy to reduce infiltration of surface water into foul water drainage, thus freeing up foul capacity). However, having regard to progress Severn Trent Water has made on this issue since the original planning permission was granted in 2012, it has confirmed that the condition is no

longer relevant, and it is therefore recommended that it be deleted.

Insofar as Conditions 19 and 20 are concerned, it is noted that, at the time that the original planning permission was granted, the provisions of the former Regional Plan and the then emerging Core Strategy set out requirements for new housing development to source at least 10% of its energy supply from renewable or low carbon sources, and for it to comply with specified criteria within the Code for Sustainable Homes (CSH). These documents have all now been revoked or withdrawn, and it is accepted that the conditions can no longer be justified.

Whilst concerns have been raised on behalf of walkers' groups regarding the potential non-compliance with Condition 33 which requires the approval and implementation of a scheme of pedestrian and cycle improvements (and including provision of a footpath along the disused railway line to the west of the site), the current application does not seek any amendments to the substance of this condition.

Insofar as Condition 36 is concerned, Network Rail had initially raised objection to an earlier proposal to delete the condition relating to the Bardon Hill level crossing; the proposed changes have now, as a result, been amended and the applicant now proposes that the condition be reworded to relate to a scheme for the crossing already agreed by Network Rail in respect of planning permission ref. 13/00956/OUTM.

It is therefore considered that the changes to the conditions sought by the applicant are acceptable, and approval is recommended.

Conclusions

Paragraph 14 of the NPPF sets out the presumption on favour of sustainable development which includes approving development which complies with the development plan. In this instance, whilst the principle of development accords generally with the development plan in terms of the identified use of the site, it is nevertheless acknowledged that the absence of a full range of developer contributions could have adverse impacts on some factors contributing to sustainable development and, in particular, in respect of the social and environmental roles in terms of the extent of mitigation available to the wider highway network (given the level of contribution proposed), and affordable housing. However, having regard to the above assessment, it is accepted that, on balance, the proposals would be sustainable overall. It is also accepted that the proposed revised accesses are acceptable in highway safety terms, and approval is recommended.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the conditions as attached to planning permission 13/00415/VCUM (save as modified as set out above and renumbered accordingly)