

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 2 December 2014
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 4 November 2014.	5 - 16
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Regeneration and Planning.	17 - 20



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<p>14/00460/OUTM: Residential development (up to 81 Dwellings), associated open space (incorporating community infrastructure), drainage infrastructure (outline - access included)</p> <p>Land Adjacent To Blackfordby House Farm Butt Lane Blackfordby</p>	PERMIT Subject to a Section 106 Agreement	21 - 62
A2	<p>14/00578/OUTM: Development of up to 275 dwellings with associated access, landscaping, open space and drainage infrastructure (outline - all matters reserved apart from access from Burton Road and Moira Road)</p> <p>Land Between Burton Road And Moira Road Shellbrook Ashby De La Zouch</p>	PERMIT Subject to a Section 106 Agreement	63 - 94
A3	<p>14/00893/FULM: Demolition of public house and construction of 14 new one bed flats</p> <p>The Pick N Shovel 2 High Street Coalville Leicestershire</p>	PERMIT	95 - 110
A4	<p>13/00956/OUTM: Development of up to 2700 dwellings, up to 2 Ha for a new local centre including up to 2000 sqm for A1, A2, A3, and A5 uses, up to 499 sqm for public house restaurant, up to 400 sqm for children's day nursery and up to 500 sqm for new medical centre; new primary school, on-site National Forest planting and areas of public open spaces, new bus routes and bus infrastructure and associated highways and drainage infrastructure. (Outline - all matters reserved)</p> <p>Land Off Grange Road Grange Road Hugglescote Leicestershire</p>	PERMIT Subject to a Section 106 Agreement	111 - 184
A5	<p>14/00898/FUL: Demolition of existing bungalow and the erection of three two storey dwellings</p> <p>34 Copson Street Ibstock Coalville Leicestershire</p>	PERMIT	185 - 198
A6	<p>14/00862/FULM: Temporary change of use of land from agriculture to a solar farm with continued agriculture and associated infrastructure</p> <p>Site Opposite Ashby Rugby Club Nottingham Road Ashby De La Zouch Leicestershire</p>	PERMIT	199 - 216

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Item	Application Number and Details	Recommendation	Page
A7	14/00934/FUL: Two storey side extension consisting of a residential annexe Ambro Mill Slade Lane Wilson Melbourne	PERMIT	217 - 224
A8	14/00976/FUL: Formation of an access ramp for use by disabled persons with the erection of a steel handrail, from Ibstock High Street car park into the Community College Leisure Complex and installation of dropped kerb compliant with Disability Regulations. Ibstock Community College Central Avenue Ibstock Coalville	PERMIT	225 - 230

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MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 4 NOVEMBER 2014

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, A Bridges (Substitute for Councillor J Bridges), J Cotterill (Substitute for Councillor G A Allman), J G Coxon, D Everitt, T Gillard, J Houlton, D Howe, R Johnson, G Jones, J Legrys, T Neilson, N Smith, M Specht, R Woodward and M B Wyatt

In Attendance: Councillors R D Bayliss, R Blunt, N Clarke, D De Lacy, L Massey, T J Pendleton, J Ruff and L Spence

Officers: Mrs V Blane, Mr C Elston, Mrs C Hammond, Mr J Knightley, Miss E Mattley, Mr J Mattley, Mr J Newton and Ms S Worrall

62. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G A Allman and J Bridges.

63. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillors J G Coxon, J Houlton and G Jones declared a disclosable non-pecuniary interest in items A1 and A2, application numbers 14/00104/FULM and 14/00105/LBC as members of Ashby de la Zouch Town Council, which was a tenant of the applicant.

Councillors J Cotterill, D Everitt and J Legrys declared that they had been lobbied without influence in respect of items A1, A2, A3, A4, A5, and A6, application numbers 14/00104/FULM, 14/00105/LBC, 14/00614/OUTM, 14/00520/FULM, 14/00692/FULM and 14/00082/OUTM.

Councillor T Neilson declared that he had been lobbied without influence in respect of items A1, A2, A3, A4, A5, A6 and A7, application numbers 14/00104/FULM, 14/00105/LBC, 14/00692/FULM, 14/00614/OUTM, 14/00520/FULM, 14/00082/OUTM and 09/00082/FULM and also a disclosable non-pecuniary interest in items A6 and A9, application numbers 14/00082/OUTM and 14/00595/OUT as an acquaintance of some of the objectors.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of items A1, A2, A3, A4, A5, A6, A7, A8, A9 and A10 application numbers 14/00104/FULM, 14/00105/LBC, 14/00692/FULM, 14/00614/OUTM, 14/00520/FULM, 14/00082/OUTM, 09/00082/FULM, 14/00669/VCU, 14/00595/OUTM and 14/00752/FUL.

Councillors G Jones and N Smith declared that they had been lobbied without influence in respect of items A1, A2, A3, A4, A5, A6, A7, A8, A9, A10 and A11, application numbers 14/00104/FULM, 14/00105/LBC, 14/00692/FULM, 14/00614/OUTM, 14/00520/FULM, 14/00082/OUTM, 09/00082/FULM, 14/00669/VCU, 14/00595/OUT, 14/00752/FUL and 14/00928/NMA.

Councillors R Adams, J Houlton and R Johnson declared that they had been lobbied without influence in respect of items A1, A2, A4 and A5, application numbers 14/00104/FULM, 14/00105/LBC, 14/00614/OUTM and 14/00520/FULM.

Councillor T Gillard, D Howe and R Woodward declared that they had been lobbied without influence in respect of items A1, A2, A4, A5, and A6, application numbers 14/00104/FULM, 14/00105/LBC 14/00614/OUTM, 14/00520/FULM and 14/00082/OUTM.

Councillor M B Wyatt declared that he had been lobbied without influence in respect of items A1, A2 and A5, application numbers 14/00104/FULM, 14/00105/LBC and 14/00520/FULM, and also a disclosable non-pecuniary interest in item A3, application number 14/00692/FULM as a local business owner and a disclosable pecuniary interest in item A4 as a member of Save Our Green Fields Action Group who were opposing the application.

Councillor M Specht declared that he had been lobbied without influence in respect of items A1, A2, A4, A5 and A8, application numbers 14/00104/FULM, 14/00105/LBC, 14/00614/OUTM, 14/00520/FULM and 14/00669/VCU.

Councillor J Legrys declared a disclosable non-pecuniary interest in item A3, application number 14/00692/FULM as a volunteer of Hermitage FM and items A6 and A9, application numbers 14/00082/OUTM and 14/00595/OUT as an acquaintance of some of the objectors.

Councillor J G Coxon declared that he had been lobbied without influence in respect of items A4 and A5, application numbers 14/00614/OUTM and 14/00520/FULM.

Councillor A Bridges declared that she had been lobbied without influence in respect of items A4 and A10, application numbers 14/00614/OUTM and 14/00752/FUL.

Councillor N Smith declared a disclosable pecuniary interest in item A7, application number 09/00082/FULM, as a business tenant of the building that was subject to the application.

Reference was made to correspondence that had been received by some Members of the Committee that had been deemed inappropriate.

64. MINUTES

Consideration was given to the minutes of the meeting held on 7 October 2014.

It was moved by Councillor G Jones, seconded by Councillor J Legrys and

RESOLVED THAT:

The minutes of the meeting held on 7 October 2014 be approved as a correct record and signed by the Chairman.

65. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Director of Services, as amended by the update sheet circulated at the meeting.

The Chairman advised Members that items A1 and A2 would be taken together, but voted on separately.

**66. A1
14/00104/FULM: DEMOLITION OF SIDE AND REAR EXTENSIONS AT EXISTING HOTEL, ERECTION OF SIDE /REAR EXTENSION TO EXISTING HOTEL AND ASSOCIATED EXTERNAL WORKS; ERECTION OF SINGLE STOREY KIOSK BUILDING (A3 USE), ERECTION OF TWO STOREY PAVILION BUILDING (A3 AND D2 USE), FORMATION OF CAR PARK AND ALTERATIONS TO EXISTING ACCESS AT STATION ROAD INVOLVING REMOVAL OF PART OF BOUNDARY WALL TO FORM VISIBILITY SPLAYS, ASSOCIATED REMOVAL OF EXISTING FENCING AND CAR PARK FURNITURE AND IMPLEMENTATION OF LANDSCAPE WORKS.**

The Royal Hotel Station Road Ashby De La Zouch

Officer's Recommendation: Permit Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Mrs M Tuckey, representing the Town Council, addressed the meeting. She advised Members that the Town Council objected to the plans and they felt that the kiosk building was unacceptable. She stated that the layout covered a larger area and the design was not in keeping with the area. She added that the changes could be made with stone cladding and that the hotel did need refurbishment.

Ms A Ingram, objector, addressed the meeting. She advised Members that she had worked hard with officers to ensure that even the design of her patio was in keeping with the area. She felt that the plan was poorly considered and the design was unsuitable for the area. She informed Members that the proposed building would overshadow neighbouring properties and would allow strangers to watch and see into neighbours' gardens. She stated that it was not the solution for the hotel and 600 people had objected. She urged Members to decline the applications to find better solutions.

Ms C Birch, objector addressed the meeting. She advised Members that whilst residents welcomed improvements to the hotel there were concerns over the pavilion. She informed Members that there had been limited engagement from the developer and that the plans produced predated those that had been provided at the one consultation event. She stated that the design, size and material did not harmonise with and would have a detrimental impact on the area. She felt that other designs could be found and that the new building would encroach on the pedestrian area. She urged Members to reject the application with overwhelming support and added that the applications were not the solution.

At the request of the Chairman, the clerk for Ashby Town Council confirmed that the application did not encroach on the land leased to the Town Council.

Ms C Cook, agent, addressed the meeting. She asked the Committee to support the applications and informed them that the applicant had worked very closely with officers to produce a high quality application. She stated that major investment was required to aid the long term future as the hotel was likely to close and this would bring with it a loss of jobs. She stated that they had ensured that the design enhancements complemented the old and that they would ensure the level of noise would not cause any issues. She added that the report was sound and contributions would be made towards the River Mease and transport.

Councillor J Hoult stated that he had known the hotel for 60 years and he had watched it fall apart. He added that the application should be permitted for the sake of the town and it

was time to move on. He moved the officer's recommendation. This was seconded by Councillor A Bridges.

Councillor G Jones stated that he would like to see the hotel a success and that it would give people hope. His main concern was the footprint and height of the new pavilion building compared to what had been there previously.

The Principal Planning Officer advised that the footprint was of a similar size to the previous however she couldn't comment on the height, but the new building would be between 8 – 9 meters.

Councillor G Jones added that the new building could cut the cost of heating due to all the glazing that it would have. He added that the hotel needed to move on and he was leaning towards supporting the application.

Councillor J G Coxon stated that he had called the applications in as he was concerned about the hotel and the public interest. He understood that there had been a misunderstanding over the size and location, but he was clear where they were. He felt that this was the only option there was for the hotel and that if the application was not permitted it would mean both the hotel and jobs would be lost.

Councillor D Everitt stated that he supported the application.

Councillor R Johnson stated that if the applicant had consulted more with the residents he would be in favour of the application. He felt that the proposed building looked like a cruise ship and stated that he would not be supporting the application.

Councillor D J Stevenson stated that the type of cladding to be used was to be considered as a condition and that beauty was in the eye of the beholder. He reminded Members that English Heritage had not objected to the application.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

67.

A2

14/00105/LBC: DEMOLITION OF SIDE AND REAR EXTENSIONS OF HOTEL, ERECTION OF SIDE /REAR EXTENSION TO HOTEL, INTERNAL WORKS, PARTIAL DEMOLITION AND REBUILDING OF BOUNDARY WALL TO FORM VISIBILITY SPLAYS

The Royal Hotel Station Road Ashby De La Zouch

Officer's Recommendation: Permit

It was moved by Councillor J Hault, seconded by Councillor J Coxon and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

- 68. A3**
14/00692/FULM: DEMOLITION OF EXISTING GARAGE FOR PROPOSED FOOD AND NON-FOOD RETAIL (A1) DEVELOPMENT WITH ADDITIONAL RESTAURANT USES (A3/A4), TOGETHER WITH ANCILLARY ACCESS, PARKING AND SERVICING
 Motors Ltd Whitwick Road Coalville

Officer's Recommendation: Permit Subject to a Section 106 Agreement

The Senior Planning Officer presented the report to Members.

Dr T Eynon, supporter, addressed the meeting. She stated that she supported the application and that the only objection to the development had been from the owners of the Belvoir Shopping Centre. She felt that the application would have a positive impact on the Town Centre and that the site was suitably located near to bus stops and the Council Offices, but she did agree that the blank frontage was a concern. She advised Members that her main concern related to the County Highways and the monitoring fee that had been requested, which she could not support. She urged Members to support the application.

Mr B Rainford, agent, addressed the meeting. He advised Members that there had been disappointment when the previous application did not go ahead and that the current application would deliver the need for new jobs and more visitors for the town. He informed Members that the applicant was in talks to secure the right retailers and that permission being in place was the last piece. He stated that the application would enhance the area, the design would meet local demands and create the right environment. He urged the Members to support the application.

Councillor J Legrys moved the officer's recommendation. This was seconded by Councillor T Gillard.

Councillor J Legrys stated that it was an excellent application and that it was local people regenerating the area. He raised concerns over the cladding on Hotel Street, suggesting informal discussions to rectify this. He felt that there was no need for any contributions to be made in relation to the iTRACE monitoring fees.

Councillor T Gillard stated that he agreed with what had been said and that it was great news for the town. He added he would be supporting the recommendation.

Councillor R Adams stated that he would support anything that enhanced the area.

Councillor T Neilson stated that he felt that it would be an excellent development, however he had concerns over the design of the frontage if travelling from High Street and felt that the developer could do better.

RESOLVED UNANIMOUSLY THAT:

The requirement for iTRACE monitoring contribution be removed from the Section 106 agreement

The application be permitted in accordance with the recommendation of the Director of Services.

**69. A4
14/00614/OUTM: DEVELOPMENT OF UP TO 180 DWELLINGS, INCLUDING A RETAIL UNIT, ACCESS AND ASSOCIATED INFRA-STRUCTURE (OUTLINE - ALL MATTERS RESERVED APART FROM PART ACCESS)**

Land South Of Greenhill Road Coalville Leicestershire

Officer's Recommendation: Refuse

The Principal Planning Officer presented the report to Members.

Councillor M B Wyatt, Ward Member, addressed the meeting. He stated that he had supported local residents in protecting the Countryside and the site was classed as an area of natural beauty. He advised Members that residents already had concerns over the 79 houses that had been permitted opposite the site and the increase in traffic. He highlighted that there was a potential flood risk near the site and that no public consultation had really taken place. He asked Members to note the developer was not a local organisation and that the development would be detrimental to the community and wildlife.

Having declared a disclosable pecuniary interest in the item Councillor M B Wyatt left the meeting on the conclusion of his statement.

Councillor N Clarke, Ward Member, addressed the meeting. He stated that he was not impressed with the lack of commitment from the developer to address the issues that had been raised over the application and that they had asked for more time to do so. He urged Members to use their treasured possession, their vote, to say no to an application outside the limits to development, to further destruction of countryside, to further flooding and to keep valuable farmland. He asked Members to refuse the application.

Mr J Ball, objector, addressed the meeting. He advised Members that he was speaking on behalf of 555 objectors. He stated that the site was part of the Charnwood Forest, linked to Sites of Special Scientific Interest and was outside the limits to development. He raised concerns over the level of traffic that would be using Greenhill Road especially after the recent approval of the site opposite. He stated that there was no need for further houses in the area and that the retail unit would encourage anti-social behaviour and littering. He urged Members to support the officer's recommendation.

Ms J Tebbatt, objector, addressed the meeting. She advised Members that it was inappropriate to build on a green field site that was part of the National Forest. She stated that the application was outside the limits to development, was unsustainable and would have a detrimental impact on the community. She highlighted that there was no need for further development as the town centre continued to decline, there was insufficient jobs and Greenhill Road could not cope with the current level of traffic. She urged Members to refuse the application.

Mr P Lewis, supporter, addressed the meeting. He advised Members that he represented a number of community groups within the area and they had canvassed their members. He stated that out of 1,500 members most were in support of the application as they felt that the investment was much needed in the area. He informed Members that more shops were closing and that there was a high unemployment rate for the town. He urged Members not to consider the application as bad and that there was support for the development.

Mr K Whitmore, agent, addressed the meeting. He advised Members that the application was to build 180 new homes which would be a critical development for the area and that this should not be overlooked. He highlighted that there had been support from residents who had not been able to find the right home close to family. He informed Members that

the site would be sustainable and they had addressed many issues and given time could resolve all. He urged Members to defer the application to allow further time.

Councillor M Specht thanked the Officers for their excellent report.

It was moved by Councillor M Specht, seconded by Councillor J Legrys and

RESOLVED UNANIMOUSLY THAT:

The application be refused in accordance with the recommendation of the Director of Services, with the exception being that Reason 5 be deleted from the reasons for refusal.

Councillor M B Wyatt returned to the meeting.

**70. A5
14/00520/FULM: ERECTION OF 41 DWELLINGS AND ASSOCIATED
INFRASTRUCTURE INCLUDING THE PROVISION OF PLAY SPACE AND COMBINED
CYCLE AND FOOTPATH.**

Land Adjoining Wells Road And Willesley Road Ashby De La Zouch

Officer's Recommendation: Permit

The Planning Officer presented the report to Members.

Mrs M Tuckey, representing the Town Council, addressed the meeting. She advised Members that the Town Council had objected to the application as they felt that it was not consistent with the Heart of the National Forest and that the landscape had been given a quality of 9 which was the highest value in the area. She stated that the development was not in accordance with the NPPF in observing its natural environment. She added that there were concerns regarding the speed of traffic along Willesley Road and that the local schools were already full.

Mr F Bedford, objector, addressed the meeting. He stated that the application was contrary to policies S3 and H4/1. He informed Members that the site was similar to Packington Nook which had been refused and upheld at appeal as the inspector had found the development not to be sustainable and located in a tranquil area. He added that the development would be highly out of place and unacceptable.

Mr N Hainsworth, agent, addressed the meeting. He advised Members that the application had been 18 months in development and the applicant had approached the Council to find a suitable site and had agreed to sign a legal agreement. He stated that the site would be sustainable and that it had taken considerable time to agree the design for each house so that it met the building for life criteria. He highlighted to Members that housing was urgently required and that the application before them was of a high quality. He urged Members to permit the application.

Councillor J G Coxon moved that the application be refused. This was moved by Councillor J Hoults.

Councillor J G Coxon felt that the application before them had the same characteristics as the application they had just refused and the application that was to be considered next. He stated that the site was outside the town boundary and it was not sustainable as there was a big distance to the nearest schools and the roads were too dangerous to cycle along.

Councillor J Legrys stated that he supported the motion to refuse the application as he agreed that it was too similar to the previous one. He highlighted that when they were out

on site Members were told that it would take 12 minutes to walk to the nearest petrol station and that it would be at least 30 minutes walk to the schools. He felt that the development would be a bolt on to the urban area.

Councillor T Neilson sought clarification of the reasons for refusal.

Councillor J G Coxon moved that the application be refused on the grounds that it was contrary to policies E3 and S3.

The Planning and Development Team Manager clarified that there had been no discussion on policy E3, which refers to Residential Amenities, only S3 and that unless the Committee were to specifically consider residential amenity impact, which in his view would be acceptable, E3 should not form the basis of a reason for refusal in this instance.

Councillors J G Coxon and J Hout confirmed that they were happy to move policy S3.

Councillor G Jones stated that he was upset that any discussion had taken place with the developers considering local opinion and Members were duty bound to oppose.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors R Adams, J Cotterill, J G Coxon, D B Everitt, T Gillard, J Hout, D Howe, R Johnson, G Jones, J Legrys, T Neilson, N Smith, M Specht, D J Stevenson, R Woodward and M B Wyatt (16).

Against the motion:

(0).

Abstentions:

Councillor A Bridges (1).

The motion was CARRIED.

RESOLVED THAT:

The application be refused on the basis that the application would not constitute sustainable development, contrary to policy S3, and that due to its location outside the settlement boundary and its relative distance from local services the proposal would not represent sustainable development.

**71. A6
14/00082/OUTM: ERECTION OF UP TO 50 DWELLINGS (OUTLINE - ALL MATTERS
OTHER THAN ACCESS RESERVED)**

Land To The North Of Top Street Appleby Magna Swadlincote

Officer's Recommendation: Refuse

The Principal Planning Officer presented the report to Members.

Councillor R Blunt, Ward Member, addressed the meeting. He advised Members that he had called in the application as over the past two years many housing development applications had been passed for Appleby Magna. He stated that the development was in close proximity to the Sir John Moore school and that he felt there were enough new houses in the area. He urged Members to support the officer's recommendation.

Ms S Liff, objector, addressed the meeting. She urged Members to reject the application. She stated that residents had created a design statement for the village and that English Heritage supported the objection. She reminded Members that there were very limited services available in the village and that with limited bus services and the nearest GP surgery being in Measham there would be a greater increase in car journeys. She added that greater development would lead to the destruction of the character of the village.

Councillor T Neilson stated that he supported Councillor R Blunt's comments and that it would be very sad to lose the setting of Sir John Moore's school. He moved the officer's recommendation. This was seconded by Councillor M Specht.

RESOLVED THAT:

The application be refused in accordance with the recommendation of the Director of Services.

Having declared a disclosable pecuniary interest in item A7, application number 09/00082/FULM, Councillor N Smith left the meeting at this point and took no part in the consideration or voting thereon.

72. 09/00082/FULM: CONVERSION OF MILL BUILDING AND ERECTION OF NEW BUILDINGS TO PROVIDE 44 NO. DWELLINGS ALONG WITH ASSOCIATED WORKS (REVISED SCHEME)

The Planning Officer presented the report to Members.

Ms C Cook, agent, addressed the meeting. She reminded Members that the application had already been given permission subject to the signing of the legal agreement. She advised Members that the financial contributions had been agreed and that the site remained a sustainable development that met all the technical issues.

Councillor T Neilson stated that it was a shame that employment land was being lost. He added that the design was quite uninspiring and that he would be voting against the application.

It was moved by Councillor G Jones, seconded by Councillor T Gillard and

RESOLVED THAT:

The application be permitted in accordance with the recommendations of the Director of Services.

Councillor N Smith returned to the meeting.

73. 14/00669/VCU: ERECTION OF TWO NO. 250KW WIND TURBINES AND ASSOCIATED INFRASTRUCTURE, INCLUDING ACCESS TRACK WITHOUT COMPLYING WITH CONDITION 2 OF PERMISSION 14/00133/FUL TO ALLOW TO THE INSTALLATION OF A DIFFERENT MODEL OF TURBINE

The Planning and Development Team Manager presented the report to Members.

Mr M Ackroyd, objector, addressed the meeting. He advised Members that there had been a total lack of consultation from the developer with residents, which was against what the government advised. He stated that the only reason the Committee had approved the application after previously refusing one was due to the £10,000 contribution that had been offered. He stated that the turbines were to be even taller and urged the

Committee to defer the application until the Ombudsman had considered the residents' complaints over the lack of developer consultation.

Mr A Mitchell, agent, addressed the meeting. He advised Members that the application was to vary the condition in relation to the height of the turbines as the applicant had gone to a new manufacturer and that there were no material changes to the application. He informed Members that the turbines would provide enough energy per hour to power an area the size of Packington and that it would go a little way to addressing climate change.

Councillor D J Stevenson stated that 45 neighbour letters were sent on 4 August 2014 along with notification to Coleorton Parish Council. He added that he personally did not like wind turbines, however there were no planning reasons for refusing it. He added that an extra half a metre in height on top of something that stands as tall as 20 metres, when viewed from the ground, would not be of such significance as to be a noticeable change from the extant permission.

Councillor M Specht stated that the residents' concerns over the lack of consultation from the developer was not an issue for the Planning Committee and that residents had been given adequate and proper notice.

It was moved by Councillor J Legrys, seconded by Councillor D Everitt and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

74. 14/00595/OUT: DEMOLITION OF TWO EXISTING BUILDINGS AND THE ERECTION OF FOUR DETACHED DWELLINGS AND GARAGING (INCLUDING TWO SELF BUILD UNITS) AND CREATION OF PADDOCK FOR EQUESTRIAN OR AGRICULTURAL USE (OUTLINE - PART ACCESS INCLUDED)

The Planning and Development Team Manger presented the report to Members.

Mr M Dyer, objector, addressed the meeting. He advised Members that he supported the earlier comments made by Councillor R Blunt and that he lived opposite the site. He stated that he understood small applications came forward however the Council had already approved 68 houses on a green field site and that the sustainability criteria had not been addressed. He highlighted that the application was outside the limits to development on a green field site and that there was no basis for permitting it. He urged Members to refuse the application.

Mr T Farley, agent, addressed the meeting. He advised Members that there were a number of merits to the development. He stated that the two existing buildings which were in a state of disrepair would be knocked down and the impassable right of way would be improved. He added that the site would be more befitting to the village, that it was a sustainable location and that a contribution would be made to the River Mease.

Councillor A Bridges requested that a condition be included that no three storey houses were built on the site. She moved the recommendation including the additional condition. This was seconded by Councillor J Cotterill.

Councillor M Specht felt that the footpath should be protected as it looked well trodden and used and requested that a condition be included to that effect. He added that the inclusion of self build units would reduce the cost of buying by 40%.

The Planning and Development Team Manager advised that the condition could only be imposed at the reserved matters stage; not with outline permission.

Councillor D Everitt expressed concerns over filling green spaces and stated that he was against the application.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services, with the addition of a condition to restrict new homes to 2 storeys

A note is to be provided to the applicant, requiring the maintenance of the footpath

75. 14/00752/FUL: ERECTION OF DETACHED DWELLING, ALTERATIONS TO EXISTING ACCESS AND HIGHWAY WORKS

The Planning Officer presented the report to Members.

Councillor L Massey, supporter, addressed the meeting. She advised Members that the application had been submitted to allow the applicant to live closer to the family farm and to provide accommodation for other family members who suffer with ill health. She stated that if the application were permitted, the family would put no burden on adult social care. She added that the site was a sustainable location.

Mr A Statham, agent, addressed the meeting. He advised Members that the farm had moved to rearing cattle to produce local beef and that the applicant needed to be closer to the farm, especially during bad weather to assist during calving. He informed Members that the proposed site had 3 houses close by and a further 80 houses were due to be built on the opposite site.

Councillor D J Stevenson advised that there was not another house within 100 yards.

Councillor A Bridges stated that she had called the application in, however having been out on site and seeing the location she felt that she was now unable to support the application.

Councillor J Legrys stated that it was with regret that he was unable to support permission to be given and moved the officer's recommendation. This was seconded by Councillor R Woodward.

Councillor D J Stevenson stated that there was more sustainable land nearby and that the application site was divorced from the farm.

RESOLVED THAT:

The application be refused in accordance with the recommendation of the Director of Services.

76. 14/00928/NMA: NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 12/00229/FULM TO ALLOW FOR REVISED GARAGE POSITION, ENLARGED REAR GARDENS FOR PLOTS 1-4, ADDITIONAL WINDOWS TO PLOTS 12 AND 14 AND AMENDED LANDSCAPING AND BOUNDARY TREATMENTS

The Planning and Development Team Manager presented the report to Members.

It was moved by Councillor J Legrys, seconded by Councillor G Jones and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Director of Services.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 7.00 pm

APPENDIX B

**Report of the Head of Regeneration and Planning
To
Planning Committee
2 December 2014**

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Regeneration are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Regeneration report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Regeneration.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Regeneration report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Regeneration.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Regeneration.

7 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Regeneration.

8. Decisions on Items of the Head of Planning and Regeneration

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

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Residential development (up to 81 Dwellings), associated open space (incorporating community infrastructure), drainage infrastructure (outline - access included)

**Report Item No
A1**

**Land Adjacent To Blackfordby House Farm Butt Lane
Blackfordby**

**Application Reference
14/00460/OUTM**

**Applicant:
Mr Guy Mansfield**

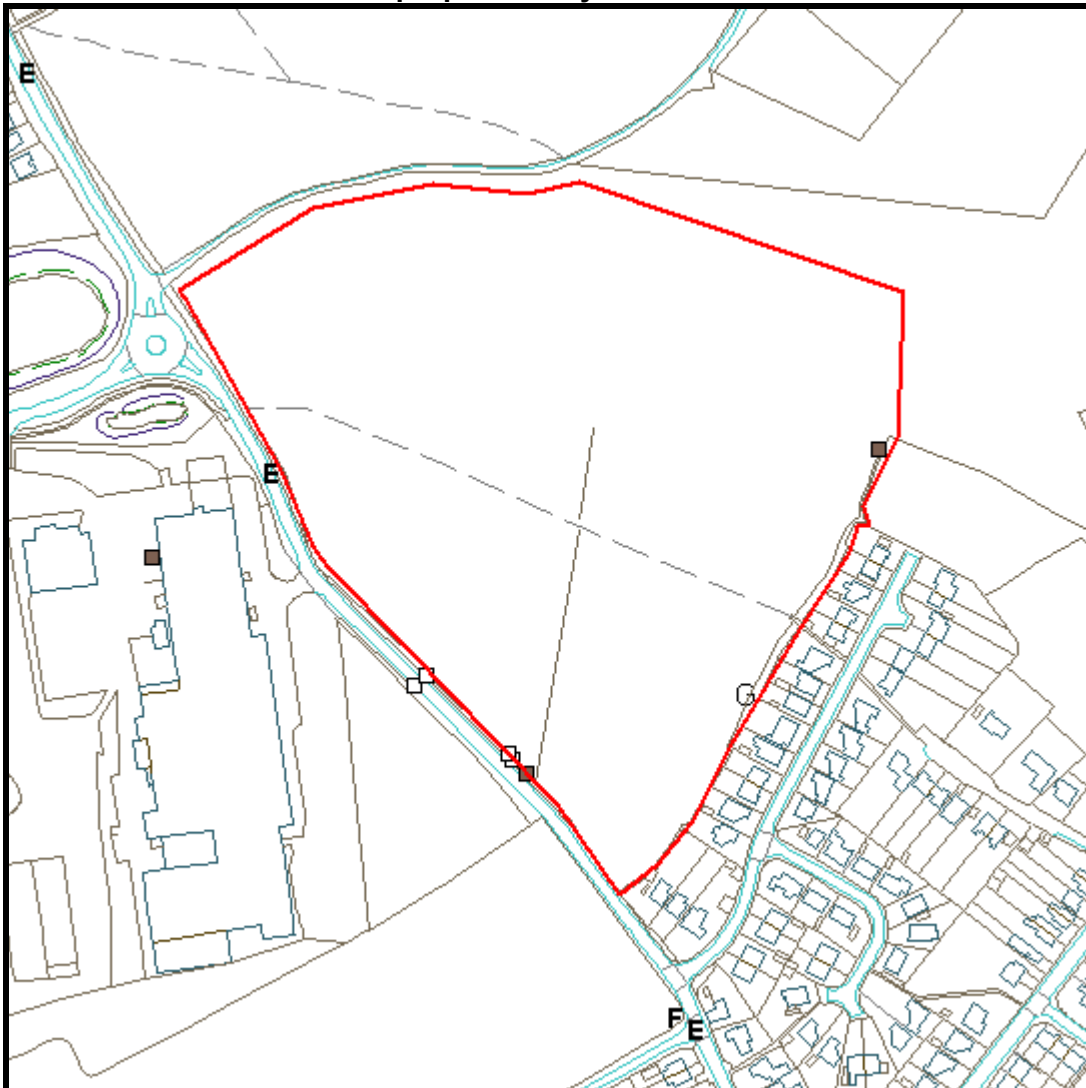
**Date Registered
19 May 2014**

**Case Officer:
Hannah Exley**

**Target Decision Date
18 August 2014**

**Recommendation:
PERMIT Subject to a Section 106 Agreement**

Site Location - Plan for indicative purposes only



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Executive Summary

Call In

The application is reported to the Planning Committee as it is considered to be a matter of local concern.

Proposal

Outline planning permission is sought for the erection of up to 81 residential units. The site is 7.4 hectares and is currently in agricultural use and is situated on the western side of the settlement to the northern side of Butt Lane. The application site is bordered by a public highway to the south-west, open fields to the north/ north-west and by residential development to the south east.

The number of residential units has been reduced since the original submission from 100 dwellings to 81 dwellings. This was following concerns raised by officers about the scale of the proposed development and how this would relate to existing development within the main built up area of Blackfordby.

The application is in outline at this stage with details of means of access included for consideration. Vehicular access into the site would be off Butt Lane and the centre point of the access would be approximately 30m from the eastern boundary of the site which abuts neighbouring residential development. Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application. However, the extent of the built development on the indicative layout does reflect the submitted parameters plan which is up for consideration and shows the area within which built development is proposed.

Consultations

Members will see from the main report below that 89 letters of representation have been received from members of the public. The objections cover several different issues, broadly but not exclusively relating to the principle and sustainability of the proposal, coalescence between Blackfordby and Woodville, adequacy of existing services/infrastructure, traffic generation, highway safety, impact on nearby residents and the character and scale of the settlement, flood risk and drainage and impact on ecology. Ashby de la Zouch Town Council raises objection to the proposed development.

No objections have been received from any other statutory bodies consulted on the application.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development and as the development proposed would not meet the criteria for development in the countryside, approval of the application would be contrary to the provisions of Policy S3. However, the proposal also needs to be assessed in the context of the presumption in favour of sustainable development outlined in the NPPF and the Council's requirement to provide and maintain a five year housing land supply.

Conclusion

Whilst the site is outside the Limits to Development in the adopted Local Plan and constitutes greenfield land, the site is considered to be a sustainable location for the level of development proposed for the site and the proposal would not result in a significant increase in housing development within the village. The proposal would also contribute to the District Council

maintaining a five year supply of housing.

The proposed development would be acceptable in terms of density, impact on the countryside, character of the area and the historic environment, impact on trees, residential amenities, transportation and highway safety issues, flood risk and drainage, coal mining risk, ecological impacts and impact on the River Mease SAC and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION - PERMIT, APPROVE SUBJECT TO SECTION 106 OBLIGATIONS AND THE IMPOSITION OF 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

Outline planning permission is sought for the erection of up to 81 residential units. The site is 7.4 hectares and is currently in agricultural use and is situated on the western side of the settlement to the northern side of Butt Lane. The application site is bordered by a public highway to the south-west, open fields to the north/ north-west and by residential development to the south east.

The number of residential units has been reduced since the original submission from 100 dwellings to 81 dwellings. This was following concerns raised by officers about the scale of the proposed development and how this would relate to existing development within the main built up area of Blackfordby.

The application is in outline at this stage with details of means of access included for consideration. Vehicular access into the site would be off Butt Lane and the centre point of the access would be approximately 30m from the eastern boundary of the site which abuts neighbouring residential development. The formation of the new access which measures 10m in width (excluding radii and visibility splays) would require the removal of some of the existing hedgerow along Butt Lane.

Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application. However, the extent of the built development on the indicative layout does reflect the submitted parameters plan which is up for consideration and shows the area within which built development is proposed.

The northern and western boundaries of the site border Blackfordby House Farm and its access drive which are occupied by post and rail fencing. The eastern and southern boundaries of the site (which abut the highway and neighbouring residential properties) are predominantly occupied by hedgerows interspersed with trees, although some neighbouring gardens have other forms of enclosure. The site forms part of a larger field and therefore, the north eastern boundary of the site is currently open. Vehicular access to the site is currently via the existing vehicular access to Blackfordby House Farm off Butt Lane.

Land levels across the site rise in a northerly direction with the lowest land levels being adjacent to the public highway (Butt Lane) in the south eastern corner of the site and the highest being towards the north of the site. Between these two points of the site, the increase in land levels is approximately 11.5 metres.

The site lies within the catchment area of the River Mease Special Area of Conservation and the Blackfordby Conservation Area lies approximately 90 metres to the east of the site and the nearest listed buildings are the Grade II listed Butt Cottage lying approximately 65m to the south east of the site and the Grade 2 listed Well Cottage lying approximately 225 metres to the east. There are no protected trees on the site.

Planning History Summary:
No planning history.

The proposal has been assessed in respect of the Environmental Impact Assessment (EIA) Regulations 2011. Whilst the proposal is classed as development under paragraph 10(b) of

Schedule 2 to the Regulations it has been concluded that this proposal does not constitute EIA development under the 2011 Regulations as its impacts, are not considered to be significant and can be considered as part of the planning application.

2. Publicity

64 N. Neighbours have been notified (Date of last notification 6 November 2014)

Press Notice published 12 November 2014

Site Notice posted 17 June 2014

3. Consultations

Ashby de la Zouch Town Council consulted 10 June 2014

County Highway Authority consulted 11 June 2014

Environment Agency consulted 11 June 2014

Severn Trent Water Limited consulted 11 June 2014

Head of Environmental Protection consulted 11 June 2014

Natural England- Within 2k Of SSSI consulted 11 June 2014

NWLDC Tree Officer consulted 11 June 2014

County Archaeologist consulted 11 June 2014

LCC ecology consulted 11 June 2014

NWLDC Conservation Officer consulted 11 June 2014

National Forest Company consulted 11 June 2014

LCC Development Contributions consulted 11 June 2014

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 11 June 2014

Development Plans consulted 11 June 2014

Head Of Leisure And Culture consulted 11 June 2014

Manager Of Housing North West Leicestershire District Council consulted 11 June 2014

Police Architectural Liaison Officer consulted 11 June 2014

LCC/Footpaths consulted 11 June 2014

NWLDC Footpaths Officer consulted 11 June 2014

Coal Authority consulted 11 June 2014

NWLDC Urban Designer consulted 6 November 2014

County Planning Authority consulted 18 June 2014

Derbyshire County Council consulted 11 November 2014

South Derbyshire District Council consulted 20 October 2014

4. Summary of Representations Received

Statutory consultees:

Ashby de la Zouch Town Council raise objection on the following grounds:

- The application is for 100 dwellings which will increase the size of the village by 25% and there are no facilities within the village to support such an increase;
- The application site is outside of the designated village limits and absorbs Blackfordby into Woodville;
- There are serious traffic problems within the village which will be exacerbated by additional car journeys generated by this proposed development. A traffic survey in 2005 identified more than 10,000 vehicles used Butt Lane in the period of the survey;
- The footpaths within the village are very poor;
- The local primary school has no capacity and no room to expand;
- There is a lack of infrastructure generally within the village to support such an expansion: no shop, post office, medical facilities etc;

- There are concerns about flooding of Butt lane from the site and the potential impact upon local properties;
- The ecological report lodged with the application is flawed.

Ashby de la Zouch Town Council have confirmed that none of their original concerns have been addressed by the amended plans.

County Highways Authority has no objections subject to conditions and subject to securing developer contributions through a legal agreement. *

Environment Agency has no objections subject to conditions.

Severn Trent Water Ltd has no objection subject to a drainage condition. STW have also confirmed that there is capacity within the Packington Sewage Treatment Works to accommodate the proposed development.

Natural England has no objections subject to the development according with the requirements of the River Mease Developer Contribution Scheme.

Police has requested a developer contribution of £38,057. Leicestershire Police also advises that policing is not included within the submitted consideration of developer contributions and therefore it raises a formal objection to the application on sustainability grounds and because the development is unacceptable without the necessary policing contribution. *

Coal Authority has no objections subject to a condition.

National Forest Company advises that 20 percent of the site area should be woodland planting and landscaping unless an off-site planting developer contribution is agreed and this will need to be secured through the S106 agreement. *

County Archaeologist has no objections subject to conditions.

County Ecology has no objections subject to conditions.

County Minerals requests that the advice of the Coal Authority be sought to establish whether further information will be required from the applicant.

County Footpaths has no objections to the original or revised plans subject to notes to applicant to ensure the route of public footpaths being maintained.

County Developer Contributions

- Leicestershire County Council - Highway Transportation & Waste Management Authority has not made a request for a contribution towards civic amenity sites.

- Leicestershire County Council Library Services Development Manager have requested a contribution of £4,400 towards additional resources at Ashby de la Zouch library.

- Leicestershire County Council Local Education Authority have requested a contribution of £144,796.98 for the high school sector as there would be a deficit of 80 pupil places (9 created by the development) within high schools within a 3 mile walking distance of the site (Ivanhoe College). A contribution of £148,676.80 is also sought for the upper school sector as there would be a deficit of 136 pupil places (9 created by the development) within upper schools

within a 3 mile walking distance of the site (Ashby School). A contribution of £235,204.75 is also sought for the primary school sector as there would be a deficit of 43 pupil places (23 created by the development) within primary schools within a 2 mile walking distance of the site (Blackfordby St. Margaret's Church of England Primary School and one other school).

NWLDC Head of Leisure and Culture has requested a developer contribution of £112,500 towards Hood Park Leisure Centre. *

NWDLC Head of Housing advises that the rural housing needs survey for Blackfordby identified a need for affordable homes. In line with the Council's Supplementary Planning Document, 30% affordable housing (which equates to 30 units) should be secured. *

NWLDC Footpaths Officer has no objections subject to a note to applicant.

NWLDC Urban Designer is not satisfied that the indicative scheme submitted on the original or amended plan represents a good standard of design as supported by the NPPF and Building for Life 12.

NWLDC Conservation Officer has no objections.

NWLDC Tree Officer has no objections subject to conditions.

NWLDC Head of Environmental Protection has no environmental observations, subject to a contaminated land condition.

South Derbyshire District Council advise that given the proximity of the site to Woodville, (South Derbyshire), it is likely that a scheme of the scale and nature proposed could give rise to cross boundary traffic impacts and mitigation should be considered necessary.

NHS no comments have been received. *

Derbyshire County Council no comments have been received. *

*Revised comments are awaited from these consultees following the reduction in housing numbers to 81 units and these will be reported to Members via the Update Sheet.

Third Party Representations:

89 letters of neighbour representation have been received to the originally submitted proposals for 100 dwellings raising the following comments/concerns:

- Concerns over the capacity of schools to cope with additional residents as a result of the development;
- Concerns over the capacity of healthcare facilities to cope additional residents as a result of the development;
- Increased congestion to Butt Lane;
- Increased through traffic in the village;
- The village infrastructure will not sustain the extra traffic burden created by the development;
- The application does not provide additional amenities such as shops or recreation facilities;
- The proposal is outside the development limits, and would be incongruous to the form of the village resulting in undesirable ribbon development;
- The proposed pedestrian link along Fenton Avenue is subject to flooding and is

- unsuitable as the main pedestrian link into the village and would require the purchase of private land in order to widen the path;
- Butt Lane and the site are susceptible to flooding and flooding from surface water run-off;
 - Concerns over capacity of sewerage and storm water;
 - The site contains a number of historic opencast and underground mining which has since been filled, and would cause contamination to the residents if housing is constructed;
 - The applicants traffic flow modelling is flawed, for example it being undertaken during the middle of the day; local junctions and cumulative impact are ignored, the modelling only assesses the impact of the development upon the A511 road;
 - The applicants flood model evidence is flawed;
 - The applicants ecological report is flawed and does not do enough to protect hedgerows and protect wildlife such as brown hares, badgers, crested newts, owls, yellow hammers, woodpeckers, skylarks, sparrow hawks, bats and foxes;
 - There should be priority given to the development of Brownfield land before Greenfield land;
 - Blackfordby is not a sustainable village for housing development as there are no village amenities or good bus service or appropriate infrastructure in place;
 - The notice period of the planning application is too short to provide comment, and the notice should have been extended to everyone in the village;
 - The development would result in a visual coalescence between Blackfordby and Woodville;
 - The proposal for 100 dwellings is out of scale, poorly sited and out of character for the area;
 - The agricultural quality of the land is good (not poor) and has been growing wheat and crops for a number of years;
 - The development will result in a loss of open countryside;
 - The development will result in a loss of view;
 - The development will decrease property values and increase home insurance;
 - Concerns over the amount of car parking spaces to be provided within the development;
 - Concerns that cycling considerations only cover 5 kms from the site;
 - Increased amenity impacts as a result of noise, fumes, street lighting, pollution, light pollution;
 - The proposal will cause detrimental landscape and visual impact;
 - Approval of the development will lead to a precedent for further development;
 - The development is inappropriate as it is on 'green belt' land and within the National forest;
 - Increased 'dog waste' in the village as a result of the;
 - Concerns over access from Butts Lane, whereas it should be from the roundabout;
 - Highway safety concerns as a result of increased speeding traffic and safe parking during school pick-up and drop-off times;
 - The plans are incorrect and include part of the garden and garage of adjoining properties along Fenton Ave without giving appropriate notice;
 - There is no need or demand for 100 dwellings;
 - Concerns regarding overlooking from the proposed dwellings into rear gardens of existing dwellings along the edge of the proposed development;
 - The development will cause negative impacts upon the operation of the employment site on the opposite site of Butt Lane;
 - The site is unsuitable for the proposed purpose because of past mining, open casting and landfill of a very dubious nature.

5 additional letters of representation have been received in response to the amended plans and reduced number of dwellings, raising the following objections:

- Loss of Greenfield site;
- Loss of agricultural land valuable for food production;
- Loss of village character and coalescence with Woodville;
- Detrimental to the visual amenities on approach to Blackfordby;
- Blackfordby is not a sustainable village and occupiers of the proposed dwellings will need to use the private car to reach services;
- Traffic generation;
- Speeding traffic cutting through the village along unsuitable roads;
- Concern over access from Butt Lane;
- Inadequate infrastructure/services/amenities to accommodate the development;
- Adverse impacts on ecology;
- The locality has had its fair share of development in recent years;
- Lack of information about the proposed community infrastructure improvements proposed elsewhere in the village;
- There is no room for the expansion of Blackfordby Primary School;
- The site cannot be considered as 100% impermeable as it is clay;
- Concerns about flood risk and drainage;
- The proposed changes do not address previous concerns;
- The number of dwellings proposed on the site should be reduced to 30 or less.

The consultation period continues and therefore any further representations received will be reported to Members via the Update Sheet.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document.

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.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

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

"Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that this means:

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

"32. ...Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"47. To boost significantly the supply of housing, local planning authorities should:

- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"54. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

"55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."

"57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61. Although visual appearance and the architecture of individual buildings are very important

factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

"118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...

...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

"123. Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...."

"133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or all of four other criteria apply."

"134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

"173. 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."

"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

North West Leicestershire Local Plan:

The East Midlands Regional Plan (RSS8) has now been revoked and therefore no longer forms part of the development plan. The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Mease.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting.

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst other things, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account a number of issues including housing mix, accessibility to centres and design.

Policy H7 seeks good quality design in all new housing development.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

Other Guidance

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System) sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use

planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

River Mease Water Quality Management Plan - August 2011 draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme (DCS) - November 2012 is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy Regulations 2010 provide a legislative requirement that an obligation must meet the following tests:

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

The Technical Guidance to the National Planning Policy Framework - March 2012 provides additional guidance relating to flooding.

National Planning Practice Guidance - March 2014 supplements the policies in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

NWLDC SPD for Affordable Housing - January 2011

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Blackfordby.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Blackfordby.

NWLDC SPG - Play Area Design Guidance - July 2002 sets out the relevant requirements in respect of children's play provision required in association with residential development.

Blackfordby Conservation Area Appraisal and Study SPG identifies individual factors considered to have a positive impact on the character of the Conservation Area. These factors include principal listed buildings and unlisted buildings of interest in the vicinity of the site.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the proposal, visual impact and its impact on the scale and character of the settlement, trees, residential amenities, highway safety, drainage and flood risk, protected species/ecology and on the River Mease Special Area of Conservation, and the provision of affordable housing and developer contributions.

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)).

With regard to the Local Plan, the site lies outside the Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development and as the development proposed would not meet the criteria for development in the countryside, approval of the application would be contrary to the provisions of Policy S3.

Notwithstanding the countryside location, and whilst the proposal would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

In terms of the Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
 - the latest urban capacity information;
 - the need to maintain an appropriate supply of available housing land;
 - lead times before houses will be expected to be completed and build rates thereafter;
- and
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of judgement having regard to its location outside Limits to Development. This policy nevertheless sets out criteria relevant to release of land. In terms of the sustainability credentials of the site, it is located the following (approximate) distances away from a range of services:

The following services are available within Blackfordby:

- Village Hall - 725 metres;
- x2 Public House - 610 metres to the nearest;
- Playing field - 230 metres;
- Primary School - 730m;
- Bus Service - (nearest stop opposite 23 Main Street) - 520metres;

(More direct routes to these services would be available through public footpaths through the settlement which link up with the eastern boundary of the site).

Bus Service 9/9A provides an hourly service between Coalville and Burton on Trent calling at Swannington, Ashby de la Zouch, Blackfordby, Moira, Swadlincote and Brizlincote. This service runs Monday to Friday between the hours of 0659 and 1939 hrs and on Saturdays between the hours of 0719 and 1939 hrs. A slightly reduced hourly bus service 9E runs on Sundays (doesn't stop at Moira) between the hours of 0935 and 1935.

Whilst the services available within Blackfordby are limited, the site is reasonably well related to Norris Hill (Moira) and Woodville and although the latter settlement is outside the District boundary (within South Derbyshire), cumulatively they would provide a good range of services and facilities, which could be used by occupiers of the proposed dwellings. These include:

The following services are available within Norris Hill:

- Primary School - 1200 metres;
- Parade of shops on Blackfordby Lane comprising a convenience store, x2 takeaways, carpet shop and beauty salon - 1500 metres.

There is a continuous footway between the site and the services available at Norris Hill, although being unlit along sections of Drift Side may affect pedestrian access to these services in the evenings when it is dark and the route would be less desirable to pedestrians.

The following services are available in Woodville off the A511:

- Shop (convenience store) x2 - 1140m and 1500m;
- Post Office - 1500m;
- Pharmacy - 1500m;
- Primary School - 1500m;
- Secondary School - 2300m;
- Health Centre - 1800m;
- Library - 1700m.

There is a continuous lit footway between the site and the services available at Woodville.

In terms of the distance to amenities, the inspector in the Moira Road, Ashby appeal referred to DoT statistics which show that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1km, cycling about 4.5km and by bus about 8km.

The now withdrawn submission version North West Leicestershire Local Plan: Core Strategy did identify Blackfordby as a "sustainable village". Having regard to the location of the site, it is considered that residents of the site would have reasonable access to services and facilities by walking and easy access to all the facilities Blackfordby and the neighbouring settlements have to offer by cycling or using public transport. Taking all of the above into account, it is considered that the site is located within a sustainable location in terms of accessibility.

Scale of Development and Cumulative Impacts:

It is appropriate to consider the scale of the proposed development compared to Blackfordby so as to understand its potential impact upon the scale and character of the village.

In terms of likely future needs the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. This Study projected that a 23.4% increase in housing was required across the District from 2006-2031, which was reflected in the now withdrawn Core Strategy.

It is estimated that there are 399 properties in the village of Blackfordby within its main built up area. This proposal for 81 dwellings would represent a 20.3% increase in the number of dwellings within the village. The 81 proposed dwellings alongside the 1 new dwelling built since 2006 and the outstanding commitments for 1 dwelling would equate to a 20.8% growth in the village since 2006. Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole. As such it is considered that the proposal would not result in a significant increase in housing development within the village.

Loss of agricultural land:

Also of relevance to the principle of releasing the site is the issue of loss of agricultural land. Whilst the site is currently in use as arable farmland, the development of the site would result in an irreversible loss to a non-agricultural use.

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 in

Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The Agricultural Land Classification maps indicate that the site falls within Classes 3 and 4 but do not specify whether the land would fall within a 3a (BMV) or 3b (not BMV) classification. The supporting information accompanying the application confirms that the land would be assigned to Classes 3a and 3b and therefore, would partly be classified as BMV agricultural land. A total of 1.4ha (20% of the site area) would be Grade 3a (BMV) and 6ha (80% of the site area) would be Grade 3b. It is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. Also relevant is the extent to which change of use of the BMV land is irreversible. In this respect, it is noted that those parts of the site considered to be BMV are located to the north of the site beyond the area as shown to be developed on the parameters plan. Therefore, it is considered, that the proposal would not necessarily preclude its future re-establishment in active agricultural use if circumstances so dictated.

Nevertheless, in terms of agricultural land quality, if the development does impact upon BMV it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the loss (i.e. 1.4ha).

Housing Land Supply and Limits to Development

In terms of the contribution that this scheme would make towards the Council's five year housing land supply, it is considered that a scheme for up to 81 dwellings would make some contribution towards the Council's five year housing land supply (and maintenance thereof).

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 appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, concluded that the Council's 5 year housing land supply calculation should be based on the "Sedgefield" approach (i.e. an approach requiring planning authorities to deal with any past under-supply within the first 5 years rather than to spread this over the whole plan period) an approach now expressly preferred in the recently published National Planning Practice Guidance, and thus even more likely to be favoured by appeal inspectors going forward. The Moira Road inspector also applied a buffer of 20% for persistent under delivery. As such, officers have recently been advising Members of the Council's inability to demonstrate a five-year supply of deliverable housing sites. The consequence of this has been that the Council has not been able to rely on adopted policies S3 and H4/1 in determining housing applications as they are "relevant policies for the supply of housing" for the purposes of Paragraph 49 of the NPPF which, Members are aware "should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."

As reported to Committee on the 8th July 2014, however, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed housing requirement, on which basis, the Council is now able to

demonstrate a supply of 5.0 years (when measured against a 5 year + 20% buffer supply requirement).

Members were advised at Planning Committee in November of the recent appeal decision in respect of a site at Lower Packington Road, Ashby de la Zouch. In dismissing that appeal, the Inspector concluded that the District Council was able to demonstrate that it had a five year supply of housing land. In doing so, however, he expressed concerns regarding the inclusion of an allowance for windfall sites of 43 dwellings per annum. As such, the District Council has now recalculated the current supply having excluded this figure, and the revised figure, including resolutions, when allowing for the 20% buffer, would be 6.14 years and 7.4 years without the buffer. The Inspector also considered that, having regard to the fact that the adopted North West Leicestershire Local Plan only included for sufficient housing land to 2006, and the difference in approach between Policy H4/1 and the NPPF, Local Plan Policies H4 and H4/1 are out of date.

As a result of the above, Policy S3 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF - indeed this is a Development Plan policy to which the Council should again now properly have regard to in determining future planning applications. Whilst the weight to be applied to this policy against other material considerations is a matter entirely for Members, officers would advise Members, in applying weight to any conflict with Policy S3 in the overall planning balance, to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of the Plan Period (i.e. to 2006).

However, it is accepted that the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development.

In March 2012 the National Planning Policy Framework (NPPF) was published and introduces the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So long as a development is consistent with these criteria, in principle the development should be considered acceptable.

Economic

The NPPF outlines that the economic role should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by coordinating development requirements, including the provision of infrastructure. It is considered that the development would benefit the local economy through both the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and maintenance of local infrastructure. Accordingly the site is considered to be consistent with the 'economic role'.

Social

The NPPF outlines that the social role should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future

generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The new population could support and help sustain the local services and facilities that meet local needs and contribute to the creation of sustainable communities. The development would provide both open market and affordable housing, appealing to a wider spectrum with the local market, thus increasing local market choice and appealing to groups whom may have otherwise been excluded from the locality. The proposal would include the provision of informal public open space and financial contributions will be secured towards the provision of local services and facilities including education, libraries, transport and police. Accordingly the site is considered to be consistent with the 'social role'.

Environmental

The NPPF outlines that the environmental role should contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. The site is located outside the limits to development but is well related to the existing settlement. Furthermore, as set out in the report below, it is considered that the proposal would not be contrary to the aims of protecting or enhancing the natural and historic environment. Accordingly the site is considered to be consistent with the 'environmental role'.

Conclusions in respect of the Principle of Development and Planning Policy

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration and includes a presumption in favour of sustainable development.

The site is outside Limits to Development in the adopted Local Plan and its development for housing would therefore be contrary to Local Plan Policy S3, a policy designed to protect the countryside for its own sake.

However, the site's general suitability for housing (including its proximity to Blackfordby, Woodville and Norris Hill, Moira) is also material, together with the need for the District to release significant areas of land for housing to ensure the provision and maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF). An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle and would represent sustainable development.

Means of Access and Highway Safety

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access proposed show vehicular access via a new junction onto Butt Lane. Whilst the illustrative layout shows internal access roads, these would be dealt with at the reserved matters stage(s), although their impact on the overall potential accessibility and connectivity of the site still ought to be considered.

The application submission was accompanied by a Transport Assessment which concludes that *"the proposed site access arrangements would comply with the relevant design guidance and*

operate within capacity. The surrounding opportunities for sustainable travel should also satisfactorily accommodate any increases in pedestrian, cycle and public transport trips resulting from the proposed development. The proposed development traffic increases would not have a detrimental impact on the immediate surrounding highway network in terms of capacity or highway safety and hence, no mitigating improvements should be required. . . the proposals could be delivered in accordance with the principles of the NPPF and should therefore, be acceptable to the local highway authority".

The County Highways Authority has been consulted on the application and although concern has been raised by local residents about traffic generation and highway safety matters, the County Highways Authority has raised no objections to the proposed development in respect of highway safety implications.

South Derbyshire District Council advise that given the proximity of the site to Woodville, (South Derbyshire), it is likely that a scheme of the scale and nature proposed could give rise to cross boundary traffic impacts. The submitted transport assessment does not have due regard to the need to maintain the efficient operation of the highway network in South Derbyshire, including the busy and congested A511/A514 Clock Island (Tollgate) Junction. The Emerging South Derbyshire Part 1 Local Plan (submitted August 2014) proposed a number of strategic allocations within the Swadlincote Urban Area which are likely to lead to growth in the volume of traffic using the local highway. South Derbyshire District Council (supported by the Derbyshire County Highways Authority) consider that mitigation of impacts on the local highway network should be sought through a contribution towards the implementation of the Swadlincote Regeneration Route, which will allow traffic to by-pass the congested areas outlined above.

In these circumstances, subject to conditions and S106 contributions, which the applicant has agreed to, it is considered that the development would accord with Policy T3 of the Local Plan.

Public footpaths P11 and P13 are routed through the site from east to west. Footpath P11 enters the site between 17 and 19 Fenton Avenue and exits onto Butt Lane toward the western end of the site frontage. Footpath P13 crosses the northernmost part of the site from east to west. The County Footpaths Officer has been consulted on the application and raises no objection subject to public footpaths being accommodated within the layout of the proposed development. The revised indicative layout does not provide for the retention of footpath P11 along its existing route through the site. It is noted that the revised indicative layout shows that this existing footpath would either be affected by the siting of proposed dwellings or be subsumed by an estate road, which would result in the extinguishment of the Right of Way. The County Footpaths Officer notes advice in Defra Rights of Way Circular (1/09) Version 2, paragraph 7.8 which states that:

"In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic."

Furthermore, County Council's Guidance Notes request that paths to be routed through public open space and segregated from estate roads and footways wherever possible so that they are well overlooked and pleasant to use. It is considered that the site is of sufficient size to accommodate the proposed development and existing footpaths in line with the above-mentioned advice. Subject to a note to applicant to inform the applicant of the comments of the County Footpaths Officer, the proposal is considered acceptable in terms of its impact on existing public footpaths.

Density

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere. The former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF or Local Plan, still be relevant.

The part of the application site area that is proposed for housing as shown on the parameters plan is given as 4.5 hectares and the maximum of 81 dwellings proposed by the developers would therefore equate to a maximum density of 18 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of landscaping, sustainable urban drainage systems and open space, the net dwelling density would clearly be higher. The agent indicates that a net density of 36.8 dwellings per hectare could be achieved on the site. It is also noted that a reduced density would also allow a lower density of development along the edges of the development area in order to soften its visual impact. Taking all these factors into account, it is considered to be an acceptable density in relation to the advice in Policy H6 of the Local Plan.

Neighbours' and Future Occupants' Amenities

Located on the western eastern edge of the settlement, this area of Butt Lane is not heavily populated with residential dwellings. There are also three routes out of the village and it is not considered that the increased traffic using local roads generally as a result of the proposed development would lead to unacceptable impacts on residents' amenities. It is accepted that vehicles travelling towards settlements to the south and east (eg Moira, Measham and Ashby) would be likely to pass through the village. In coming to this conclusion it is noted that the Council's Environmental Protection Team raise no objections to the proposed development in terms of noise or pollution.

The nearest neighbouring residential dwellings are those fronting the western side of Fenton Avenue which abut the eastern boundary of the site and properties fronting northern side of Butt Lane which also abut the eastern boundary. Blackfordby House Farm lies to the north of the site and opposite the site is an industrial premise. To the west of the site, the nearest residential properties fronting Butt Lane are located approximately 80m away from the site.

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, this would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 81 units could not be provided on the site in a manner which would not adversely impact upon neighbouring residential amenities.

It is considered that construction noise is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as the Environmental Services Manager raises no issues to the development in this regard, it is not considered necessary. The Environmental Services Manager raises no issues over fumes, noise or any other pollution arising from this residential development.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Character of the Area and Visual Impact

The application submission was accompanied by a preliminary landscape and visual appraisal regarding the existing landscape and character and how the development would assimilate into its environs. Further details would be provided at the Reserved Matters stage should permission be granted. Nonetheless, these matters are pertinent to considerations at the outline stage and should be assessed.

The appraisal identifies that the site lies within the Leicestershire and South Derbyshire Coalfield Landscape character area which is characterised by influences of mining, clay extraction and other industry, along with frequent prominence of settlement edges. The appraisal also notes that the site lies within the National Forest and within a preferred area for new planting, where smaller tree belts and copse plantings are considered appropriate around village and settlement edges. The report concludes that "the site's location on lower ground provides the opportunity for development with limited and localised visibility from the surrounding area, which would avoid extending prominent, skyline housing. Appropriately designed blocks or belts of new forest planting could be used to give additional containment and enhance the local landscape by providing improved visual links with other existing areas of tree cover. This would enable a more clearly defined and consistent edge to be established and would achieve an enhanced landscape setting to the north of Blackfordby."

Blackfordby is located within an undulating agricultural landscape, and the site along with the adjoining arable fields provide the rural setting for the village when travelling along Butt Lane from the west, as well as forming part of the edge to the village's main built up area. The site forms part of a larger field, which extends to the north east of the site. The southern (highway) boundary of the site is bordered by mature hedgerows interspersed with trees and, therefore, is afforded some existing natural screening. The land levels generally rise across the site in a northerly direction and therefore, the site (along with the open countryside beyond), are clearly visible from the public highway to the south/south-west and from public footpaths which pass through the site. Some of the hedgerow along the site's frontage would be lost to allow for the formation of the vehicular access, therefore, opening up views into the site further. Longer distance views of the site are also available from public vantage points to the west of the site.

To the west of Butt Lane is an industrial complex comprising large, conspicuous and unattractive buildings and to the north of the site is Blackfordby House with a group of large scale buildings. Further small groups of residential development also exists along Butt Lane to the west of the site but due to distances and the scale of intervening development, it is not considered that the proposal would give rise to the visual coalescence of Blackfordby and Woodville. The application site abuts the settlement boundary of Blackfordby and development on the site would be viewed against the backdrop of existing development or adjacent to existing built development and therefore, would not appear an isolated development in the countryside.

Following the provision of a parameters plan (setting out the extent of built development within the wider application site), the extent of the application site would relate reasonably well to the boundaries of existing residential properties fronting Fenton Avenue. Whilst the site contributes to the form and setting of the village and its semi-rural character in this location, in close and long range views the sensitivity of the site is limited, as it is effectively a large open field with no

particularly distinctive characteristics.

Therefore having regard to all of the above considerations (including the proximity of the site to existing development and the settlement boundary, the topography of the surrounding landscape, existing soft landscaping and the scope for mitigation in the detailed layout, design and landscaping of the scheme), whilst there would be moderate and localised harm to the countryside it is considered that it would be limited and not be so significantly detrimental to justify a reason for refusal based on the proposal resulting in an adverse impact on the character of this locality and the countryside.

Overall, therefore, subject to a Section 106 to secure National Forest planting, and subject to the extent of built development being agreed and an appropriate form of development being proposed at the reserved matters stage(s), it is considered that the landscape and visual effects of the proposed development are acceptable for the purposes of Policies E4 and H7 of the Local Plan and the provisions of the NPPF.

Historic Environment:

The Blackfordby Conservation Area lies approximately 90m to the east/north-east of the site at its closest point, and the nearest listed building is the Grade 2 listed Butt Cottage lying approximately 60m metres to the south east of the site. Other nearby listed buildings are also Grade 2 and are located between 600-800m to the south of the site. These include Norrishill Farmhouse and Boothorpe Farmhouse and barn and Boothorpe Farm Cottage. The Conservation Area and listed buildings are designated heritage assets as defined in the NPPF. The site may also contain buried archaeological remains (discussed in the archaeology section below) and these would also form a heritage asset.

The site does provide a rural setting for the village but is well separated from the Conservation Area by intervening residential development/agricultural land. The site would be visible within views of the Blackfordby Conservation Area, and some glimpses of the site would also be available within views from the edge of the Conservation Area through gaps in landscaping. When having regard to the distances involved, the relationship between the site and the Conservation Area and the intervening land uses/development, it is not considered that the development of the site for housing would adversely affect the setting of the Blackfordby Conservation Area.

The proposal would not affect the built fabric of the nearest listed buildings but consideration needs to be given to the impact of the proposed development on the setting of these heritage assets. Norrishill Farmhouse and Boothorpe Farmhouse and barn and Boothorpe Farm Cottage are located some distance from the site and it is not considered that the site forms part of the setting of these heritage assets and therefore, would be unlikely to be adversely affected by the proposed development.

Butt Cottage lies 60m to the south west of the site and is separated from the site by modern development. Although the site may be visible within views of this listed building, when having regard to the distance involved and the intervening development, it is not considered that the proposed would result in any significant adverse impact on the setting of Butt Cottage.

It is therefore considered that the proposal could be harmful to the significance of the heritage assets but that this would be unlikely to involve substantial harm or total loss of significance for the reasons set out above. Therefore, the proposals amount to less than substantial harm to the significance of the heritage assets and would not result in significant detriment to the special architectural or historic interest, character or setting of the nearby listed building and would not

adversely affect the character and appearance of the Conservation Area, thereby sustaining the significance of these heritage assets.

Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal, including securing its optimum viable use. The harm to the heritage assets is in this case considered on balance to be outweighed by the provision of new homes which includes affordable homes, contributions towards improving capacity within existing public services/infrastructure and under the River Mease DCS which will improve the quality of the River Mease SAC.

Archaeology:

Paragraph 129 of the NPPF requires local authorities to identify and assess the particular significance of heritage assets that may be affected by a proposal, and this assessment should inform the consideration of the impact of the proposal on a heritage asset in order to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

A desk-based archaeological assessment accompanying the application submission found that the site has low potential to contain significant archaeological remains and any remains, that have survived the destructive impact of quarrying, will have been heavily truncated/ damaged by modern ploughing, the combined impacts of which have removed the ridge and furrow earthworks once known to have extended across the site.

The County Archaeologist has been consulted on the application and advises that their assessment of the site follows the conclusions offered in the report accompanying the application submission. Aerial photographic evidence strongly indicates that the northern two fifths of the site have been extensively damaged by nineteenth and twentieth century mining/extraction for coal and clay. Ridge and furrow surviving at the end of WW2 have since been flattened by modern agricultural activities. Whilst this is likely to have detrimentally impacted upon the survival of archaeological remains, as mentioned by the applicant's consultant, evidence from numerous archaeological projects demonstrates that significant preservation of archaeological deposits can occur in these circumstances.

The County Archaeologist advises that the archaeological interest of the development area is hard to determine, largely due to the lack of previous structured investigation of the area. Very little evidence for prehistoric or Roman activity has been recorded; outside the villages there is little to indicate the location or character of early medieval or later activity. The western half of the development area is unlikely to have experienced damage as a result of coal or clay extraction, and has the potential for buried archaeological remains to be preserved. The County Archaeologist has therefore recommended that the applicant be required to undertake a post-determination programme of archaeological investigation to establish the presence and character of any surviving remains. It is noted that this work should inform any Reserved Matters submission.

Buried archaeological evidence (potential yet unidentified heritage assets) could be present within the development area. Paragraph 141 of the NPPF states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. Therefore, the County Archaeologist has no objections to the proposal subject to the imposition of conditions for an appropriate programme of archaeological investigation and recording in order to safeguard any important archaeological remains potentially present on the site. Subject to conditions, it is considered that the proposal would comply with the provisions of the NPPF.

Design:

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 requires new development to respect the character of its surroundings.

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABE's new Building for Life criteria which scores on the basis of red/amber/green rather than being a point based scoring system. The Council's Urban Designer reviewed the original proposals and considered that the indicative layout would fail to meet the Building for Life criteria. The comments of the Urban Design can be summarised as follows:

The indicative scheme fails to promote site opportunities, the form and layout does not observe local distinctiveness, internal connectivity is frustrated by the blockage of a pedestrian route in the centre of the site, the layout is defined by highways as opposed to built form, densification/built form and building lines do not reinforce a street hierarchy and focal spaces, it is unclear how structural landscaping will be used and how parking will be integrated into the scheme. Following the submission of a revised scheme, the Council's Urban Designer is not satisfied that all the previously raised concerns have been addressed in the revised indicative layout.

When having regard to the outline nature of the scheme and that it is considered that the site is of sufficient size to accommodate an acceptable form of development, it is not considered that it would be appropriate to seek further revised drawings in this case as these matters could be dealt with by appropriately worded condition which requires a Design Code to be agreed based on Building for Life 12 and a note to applicant providing the comments of the Urban Designer.

Subject to these requirements, it is considered that an acceptable design solution for the development of the site could be achieved and therefore, the proposal is considered acceptable for the purposes of Policy E4 and H7 of the Local Plan and the design provisions of the NPPF.

Trees

An arboricultural report accompanied the application submission, which considers the implications of the development of the site on trees and hedgerows on the site, including along the site frontage around the proposed access position.

With the exception of one Oak Tree (T6), the majority of the trees within the site are located along the site boundaries, particularly the south (highway) boundary where individual trees intersect the hedgerow. Groups of trees and individual trees also occupy parts of the eastern boundary. There is an existing field hedgerow interspersed with trees which extends approximately 170m northwards into the site from the southern boundary approximately 30m to the north west of the proposed access position.

With the exception of the hedgerow that would need to be removed to allow for the formation of the access, due to the location of the existing trees on the site, it is considered that the site could be developed without resulting in the loss of any healthy trees on the site. It is accepted that some of the existing trees on the site are in poor condition and therefore, may not be suitable for retention in the long term and this would need to inform any detailed Reserved

Matters submission.

The Council's Tree Officer has been consulted on the application and considers the submitted Arboricultural Report to be thorough. Subject to all structures being outside the Root Protection Areas of the trees to be retained (unless demonstrated to be necessary and acceptable by the consulting arborist), and subject to conditions, the Council's Tree Officer raises no objection to the proposed development.

Protected Species/Ecology

The application submission was accompanied by an Ecology Report which found that the site provides opportunities for breeding birds (typically associated with hedgerow habitat) and therefore, recommendations are proposed by the consulting ecologist. There is a low to negligible risk of Great Crested Newts being present within the proposed development site and therefore, precautionary measures are recommended by the consulting ecologist. The site provides negligible opportunities to support legally protected reptile species due to the dominance of arable habitat and the relatively narrow field margins associated with hedgerows and residential curtilages and, therefore, are not considered to be a significant constraint to the development. Recommendations for the provision of habitat opportunities for this species-group are suggested by the consulting ecologist. No evidence of badgers was identified within the site during the course of the field survey and the site provides only limited opportunities for badger foraging in relation to any population that may exist locally. Although given that badgers are mobile species, precautionary measures are recommended by the consulting ecologist. There are a number of bats records, including confirmed roosts for found within a distance of 4km from the site. Some of the trees on the site were noted as having potential to support bat roosts and there is potential for bat activity within hedgerows on the site and, therefore, recommendations are made by the consulting ecologist. Subject to the retention of hedgerows and trees and the delivery of the recommendations, the consulting ecologist concludes that there is no major or significant ecological constraint to the development of the site.

Concern has been raised by local residents about the adequacy of the protected species information accompanying the application submission. The County Ecologist has been consulted on the application and advises that the land is currently arable, of limited ecological value, and the only habitats of significance are the hedgerows, which are all largely retained in the indicative layout. She advises that the indicative layout presented is excellent in ecological terms, with substantial buffer along boundary features, and a large area of open space. There are opportunities for biodiversity enhancement in the SUDs features, and overall the County ecologist considers that biodiversity is likely to be enhanced as a result of this development.

The County Ecologist considers that the ecology report accompanying the application is satisfactory. Although the field survey was done in January 2014, outside the optimum season for such surveys, the County Ecologist advises that this is acceptable given the habitats on site, which can be adequately assessed at this time.

The County Ecologist has one concern regarding Great Crested Newts. There is a colony to the west of the site, within 300m of the site boundary. There is a recently constructed drainage basin close to the site boundary (within 50m), associated with the newly constructed road, which has never been surveyed for GCNs. Records show GCNs in ponds close to this basin, from 2004, when surveys were carried out for a housing scheme over the boundary in Derbyshire.

The County Ecologist notes that the consulting ecologist did not survey this balancing pond/drainage basin, on the basis that it was separated by a road from the development site, and was partially fenced with newt-proof fencing. However, the County Ecologist considers that

it should be assumed that this pond supports GCNs, as the known colony is so close, and from ecology survey it is clear that the habitat is suitable and that the pond is not entirely enclosed with newt-proof fencing. This fencing is likely to degrade or become breached in time, such as through vegetation growth around it, and therefore, can't be relied upon as an exclusion measure. Although there are roads all round the drainage pond, the County Ecologist does not consider that these present an insuperable barrier to colonising GCNs.

There are few habitats on the development site that are suitable for GCNs, and by and large these will be retained (hedges and drainage ditches), and therefore, the County Ecologist does not consider that GCNs pose a constraint to development. In the long-term they may benefit from the development's created habitats. However, the County Ecologist has some concerns about potential impacts during construction, when GCNs may colonise new aquatic and terrestrial habitats on site. Therefore, the county Ecologist considers that some mitigation/precautionary working will be required through the life of this development, to keep GCNs off site during phases of construction. Subject to an appropriately worded condition, the County Ecologist has no objections to the proposed development.

Coal Mining Risk

The site lies within the Coal Authority Referral Area and accordingly a Coal Mining Risk Assessment accompanied the application submission which identifies that the site is located within an area where unrecorded underground coal mining activity may have taken place at shallow depth. It recommends that further investigation works be undertaken to confirm coal mining conditions and to enable the design of any necessary mitigation measures prior to development commencing on site. The Coal Authority has been consulted on the application and concurs with the recommendations of the Coal Mining Risk Assessment and considers that the applicant has sufficiently demonstrated that the application site is or can be made safe and stable for the proposed development, for the purposes of the NPPF. Subject to the imposition of conditions, the proposed development is considered acceptable in terms of coal mining risk.

In addition, the site lies within a Mineral Consultation Area because it contains potential near surface coal resources. The need to safeguard valuable mineral resources is recognised in the National Planning Policy Framework (see paragraph 143) and the Development Plan for the area also contains policies to safeguard mineral resources. The County Planning Authority has been consulted on the application and advised that the views of the Coal Authority should be sought. The Coal Authority recommends that the extraction of coal in advance of the surface development proposed as a remedial measure should be considered in order to accord with the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies DPD - Policies MDC 8 and MDC 9. It is considered that this matter can be dealt with by an appropriately worded condition.

Flood Risk and Drainage:

Concerns have been raised by residents in relation to the capacity of the local drainage network and the proposal contributing to existing flooding problems in the area.

The site lies within Flood Zone 1 and as it is over one hectare in size, a Flood Risk Assessment (FRA) has been submitted. With regard to flooding of the land, the FRA provides that as the site is not at risk of fluvial flooding in storm events up to 1 in 100 years which means that the site has an estimated annual probability of flooding of less than a 0.1% chance in any given year and is appropriate for development.

With regard to flooding from the land, the FRA provides that the primary flood risk generated by the new development is most likely to be the risk posed to others by surface water run-off and

from local watercourses (which are not defended). There is a system of local watercourses within and adjacent to the southern and eastern boundaries of the site, which is culverted within Butt Lane.

The existing site is greenfield with no hard surfaced areas and the proposed development will significantly increase the impermeable area and subsequently the run-off from the site will increase. It is proposed to ultimately discharge any surface water flows generated by the development of the site which cannot drain via infiltration to the culverted local watercourse. The drainage strategy utilises attenuation ponds with a restricted rate of discharge into the existing local watercourse. The rate of discharge into the watercourse will vary depending on the severity of weather conditions. The FRA provides that it is expected that during extreme weather events, there would be considerable betterment as the system is likely to restrict flows to a lesser rate than estimated at present.

The Environment Agency have been consulted on the application and considers the development to be at low risk of flooding and has no objections to the proposal subject to conditions concerning surface water drainage based on sustainable drainage principles, contamination and infiltration soakaways. Severn Trent Water has been consulted on the application and has no objection subject to a drainage condition.

Consideration of the capacity of STW's treatment works is set out below in the section relating to impact on the River Mease SAC. Natural England has no objections to the application proposals. Given the lack of objection from the Environment Agency it is considered that a reason for refusal relating to flood risk and capacity of the drainage system could be not justified.

River Mease:

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

Local concern has been raised about the capacity of Severn Trent Water's receiving treatment works at Packington to accommodate the proposed development. The flows from the new dwellings will need to be taken into account against the existing headroom at Packington Treatment Works, which serves the town. At March 2014 capacity as available for 533

dwellings but this is reduced by the number of dwellings that have consent and/or are under construction whilst also considering those which are pending consideration which at the time of writing totaled 233. Taking these into account, assuming all would be approved, the capacity available at the treatment works is reduced. However, it has been confirmed that there is capacity available at Packington Treatment Works to accommodate the proposed development, especially given the closure of the Arla site in Ashby which adds approximately 1900 additional houses to the headroom figure in the 2014 capacity report, and as such raise no objection to the proposal in this respect.

When having regard to the existing use of the site, the proposal for up to 81 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS. The application proposes that foul drainage would be dealt with via the mains sewer system and therefore, will be required to pay the contribution under the DCS. However a condition requiring that only a mains connection is used at the site would be required as the use of other means for foul drainage discharge could adversely affect the SAC.

It is proposed that surface water from all elements of the proposal will discharge into an engineered sustainable urban drainage scheme on site to ensure that unnecessary water volume does not go to the sewage treatment plant and this can be required by condition. Subject to the imposition of conditions concerning the storage and disposal of surface water run-off from the site, the Environment Agency are satisfied with the proposal.

Natural England has no objections in relation to impact on the SAC/SSSI subject to a condition. Therefore, it can be ascertained that the erection of 81 dwellings on the site will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

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 the Community Infrastructure Levy (CIL) Regulations 2010.

Libraries

Leicestershire County Council is seeking a contribution of £4400 to provide additional capacity at Ashby de la Zouch Library, which is the nearest library.

Education

Leicestershire County Council is seeking the following contributions to provide additional places at the nearest schools where there is no capacity:

- a contribution of £144,796.98 is sought for the high school sector as there would be a deficit of 80 pupil places (9 created by the development) within high schools within a 3 mile walking distance of the site (Ivanhoe College).

- a contribution of £148,676.80 is sought for the upper school sector as there would be a deficit of 136 pupil places (9 created by the development) within upper schools within a 3 mile walking

distance of the site (Ashby School).

- a contribution of £235,204.75 is sought for the primary school sector as there would be a deficit of 43 pupil places (23 created by the development) within primary schools within a 2 mile walking distance of the site (Blackfordby St. Margaret's Church of England Primary School and one other school).

Play Area/Open Space

Under the District Council's Play Area Supplementary Planning Guidance, on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 81 dwellings are proposed, this would require a play area of not less than 1620 square metres. The indicative masterplan shows that provision is proposed to be made for public open space on site. This would need to include a children's equipped play area. Taking into account the overall size of the recreation area, a suitable sized children's equipped play area could be provided at the reserved matters stage. Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the Play Area Design Guidance SPG.

In terms of the range of equipment necessary, for developments of this number of dwellings, Local Plan Policy L22 and the District Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity, as well as a "kickabout" area. In addition, formal recreation open space (e.g. sports pitches) should also be provided for. Whilst on-site "kickabout" and recreational open space provision is not proposed, the applicant has advised that 2.5ha of open space can be accommodated within the development site and has the potential to be used for use as a formal area of play.

Leisure

NWLDC Head of Leisure and Culture has requested a developer contribution of £112,500 towards Hood Park Leisure Centre.

Affordable Housing

Under the Council's Affordable Housing SPD, 30% affordable housing is required on sites of 5 dwellings or more, and this would equate to 30 dwellings for the current proposal. The Council's Strategic Housing Team have been consulted on the application and have advised that there is a need for affordable housing and that the full 30% should be secured through the proposed development.

The Council's preferred position is to seek delivery on site through a Registered Provider. However, as this site is in one of our smaller rural settlements, the Council's Strategic Housing Team considers that a proportion of this requirement could be provided as an offsite financial contribution to support the provision of affordable housing anywhere in the district where a need has been identified. The Council's Strategic Housing Team would seek to secure 15% on-site and 15% as an off-site contribution.

In terms of tenure split for on-site provision, the District Council's Affordable Housing Enabler advises that a tenure split of 79% social rented and 21% low cost home ownership would be sought. The Rural Housing Needs Survey for Blackfordby identified a need for the following:

- Rented - 1 x 2 bed bungalows and 2 x 2 bed houses
- Low cost home ownership - 1 x 2 bed bungalow

The Strategic Housing Team would expect that the mix identified by the rural housing need survey would form part of this requirement along with an element that would meet our wider lettings register. The District Council's Strategic Housing Team would currently be seeking the

following mix:

- 2 x 1 bed homes
- 8 x 2 bed house
- 1 x 3 bed house
- 4 x 2 bed bungalows

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 30% comprising 15% as an off-site contribution and 15% on-site (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

Highways Contributions

The County Highway Authority has also requested the following contributions to encourage sustainable travel to and from the site, achieve modal shift targets, and reduce car use:

- (i) Travel Packs - to inform new residents from first occupation what sustainable travel choices are in the surrounding area;
- (ii) Six-month bus passes, two per dwelling (2 application forms to be included in Travel Pack and funded by the developer) - to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car;
- (iii) Improvements to the two nearest bus stops (including raised and dropped kerbs to allow level access) - to support modern bus fleets with low floor capabilities - £3263.00 per stop;
- (iv) Contribution towards equipping the nearest bus stop(s) and suitable bus route with Real Time Information (RTI) system, at total of £5,840;
- (v) Travel Plan and monitoring fee (£6,000/£11337) to enable LCC to provide support to the Travel Plan Coordinator, audit performance reports and enforce the Travel Plan if necessary.

The Highway Authority has previously advised that the contributions are related to the new development as they seek to make bus services more attractive and encourage their use by future residents of the development, and to encourage behavioural shift in terms of travel choice at an early stage before car use becomes ingrained. Furthermore, the Highway Authority has considered that development would not be acceptable without these measures, as without them there is likely to be less use of buses and more car journeys. Consequently the development will be less sustainable, congestion on the network would increase, and the policies in LTP3 would not be complied with.

The Highway Authority also requests agreement of a construction traffic route which is considered to be necessary in this case given the site's proximity to residential areas and the village centre. The routing agreement will enable the Authority to prevent construction traffic from using unsuitable routes in the interests of highway safety.

South Derbyshire District Council (supported by the Derbyshire County Highways Authority), seek a contribution towards the implementation of the Swadlincote Regeneration Route.

River Mease DCS

A contribution under the River Mease DCS is required (as outlined earlier in the report) but an exact figure for the contribution cannot be determined at this stage (although the maximum amount would be £28,674) as the number of bedrooms in each dwelling would not be finalised until the reserved matters stage.

National Forest Company

The application site extends to 7.4ha and the National Forest Planting Guidelines require 20%

of the site area to be for woodland planting and landscaping. This would equate to an area of 1.48 ha and would need to be secured through a Section 106 agreement as either on-site or off-site. The application submission indicates that the development site could accommodate 2.5ha of open space including National Forest planting. The NFC is satisfied that the site could accommodate the required woodland planting and landscaping.

Areas of strategic planting are shown on neighbouring land outside the application site within the Design and Access Statement. Whilst the National Forest Company are supportive of these elements of the proposal, the parameters plan shows 2.9 hectares of open space which already exceeds requirements for landscaping, and therefore, it is not considered that a requirement for additional off-site strategic planting could be justified in this case.

Police

Leicestershire Police requests a developer contribution of £38,057 in respect of policing as set out in the consultation response above. This money is requested in relation to equipment, police vehicles, improving force communications, CCTV, contribution towards additional premises in Coalville, Enderby and Loughborough.

The policing contributions listed above remain under consideration as to whether they meet the tests pursuant to CIL Regulation 122.

Other Contributions

No requests for contributions have been received from the NHS and the County Council has advised that a contribution towards civic amenity sites is not required.

With the exception of the requested leisure and police contributions (where CIL compliance is questioned), the applicant has confirmed their agreement to the payment/inclusion of the above-mentioned developer contributions/requirements within a legal agreement.

With respect to the Police contribution, as the District Council is considering its position on this matter, the applicant is prepared to accept a clause within the agreement which requires payment should the Authority take the view that the Police contribution is CIL compliant. As for the proposed Leisure contribution, the Head of Leisure has been re-consulted and Members will be updated on this matter via the Update Sheet.

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.

Other Matters:

Concern has been raised by local residents about the development site encroaching onto land that is not in the ownership of the applicant. The applicant has provided land title details which show the full extent of the application site to be within the ownership of the applicant.

As for concerns about increased dog waste, this is covered by separate Environmental Health legislation and is not a material planning consideration. Concern has also been raised about the development setting precedent for further development but it is a fundamental tenet of planning legislation that each application should be assessed on its own planning merits.

With regard to concerns about loss of view and loss of property values, these are not planning matters to be considered in the determination of this application. With regard to comments about inadequate time for neighbours to provide comments, consultation was undertaken in

accordance with statutory requirements.

Conclusion:

Whilst the site is outside the Limits to Development in the adopted Local Plan and constitutes greenfield land, the site is considered to be a sustainable location for the level of development proposed for the site and the proposal would not result in a significant increase in housing development within the village. The proposal would also contribute to the District Council maintaining a five year supply of housing.

The proposed development would be acceptable in terms of density, impact on the countryside, character of the area and the historic environment, impact on trees, residential amenities, transportation and highway safety issues, flood risk and drainage, coal mining risk, ecological impacts and impact on the River Mease SAC and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION - PERMIT, subject to section 106 obligations and the imposition of conditions:

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Approval of the details of the access (save for the details of vehicular access into the site from Butt Lane), layout, scale and appearance of the development and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason- this permission is in outline only.

- 3 The reserved matter application(s) shall include precise details of finished ground levels across the site and the finished floor levels of all buildings in relation to an existing datum point.

Reason - to ensure a satisfactory relationship with the adjacent dwellings/the streetscene, as insufficient details have been provided.

- 4 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, surfacing and width of footpaths through the site, landscaping, density parameters and scale, as well as details of any proposed phasing

of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.

- 5 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

Reason - to provide evidence that demonstrates detailed compliance with Building for Life 12.

- 6 The first reserved matters application in respect of the matter of landscaping shall provide for an ecological / landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with National planning policy and to provide for an appropriate form of development.

- 7 The proposed development shall be carried out strictly in accordance with the following drawings, unless otherwise required by a condition of this permission:
- Drawing number F13152/02 RevB (Proposed Site Access Layout) received by the Authority on 19 May 2014;
 - Drawing number 891 Rev O (Topographical Survey) received by the Authority on 19 May 2014;
 - Drawing number C9772.13.001 Rev A (Site Location Plan) received by the Authority on 02 July 2014;
 - Drawing number C9772.14.900 (Parameters Plan- showing Extent of Development Area) received by the Authority on 05 November 2014.

Reason- To determine the scope of this permission.

- 8 A total of no more than 81 dwellings shall be erected and built development shall be limited to the area identified as 'Current Extent of Development' as set out on the parameters plan (drawing number C9772.14.900).

Reason - To define the scope of this permission.

- 9 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation

- scheme)
- The programme for post-investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason - To ensure satisfactory archaeological investigation and recording.

- 10 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording.

- 11 No development shall commence on site until a full and detailed site investigation and assessment has been carried out, at the developer's expense, and as set out in the Coal Mining Risk Assessment by Smith Grant LLP (dated March 2014), and submitted to the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat the mine workings, and/or any other mitigation measures to ensure the safety and stability of the proposed development, no development shall commence on site until details of such works have been submitted to and agreed in writing by the Local Planning Authority and implemented at the site.

Reason - To ensure the stability of the development, having regard to the comments of the Coal Authority and good engineering practice.

- 12 No work shall commence on site until trees on and adjacent to the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction. A Tree Protection Plan shall have been submitted to and approved in writing by the Local Planning Authority. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.

Reason- To ensure the existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 13 No development shall commence on site until a detailed scheme of pruning works to be carried out in accordance with BS3998:2010 Tree Work - Recommendations have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

Reason- in the interests of health and safety and amenity value of the trees.

- 14 No works or development shall take place until an auditable system of arboricultural site monitoring by the appointed project arboriculturist has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of: (select as appropriate)
- a. Induction and personnel awareness of arboricultural matters
 - b. Identification of individual responsibilities and key personnel
 - c. Statement of delegated powers
 - d. Timing and methods of site visiting and record keeping, including updates
 - e. Procedures for dealing with variations and incidents.
 - f. The scheme of supervision shall be carried out as agreed.
 - g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason- To ensure that the tree protection plan is adequately implemented in the interests of the visual amenities of the area.

- 15 No development shall commence until details of design for off-site highway works being the upgrading of Public Right of Way P11 to a 2m wide tarmaced surface where it passes along the un-metalled part of Elstead Lane have been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until such time as the agreed scheme has been provided in accordance with the approved details.

Reason - To provide an attractive and direct pedestrian route to school and bus services.

- 16 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 17 No development shall commence on the site until such time as a construction traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 18 No part of the development as approved shall be brought into use until details of an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority. The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

Reason - To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

- 19 Before first use of the development hereby permitted, visibility splays of 2.4m metres by 46/48m metres shall be provided at the junction of the access with Butt Lane in general accordance with Bancroft Consulting plan F13152/02 revB. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason - To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 20 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
 - Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 21 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 22 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

Reason- to reduce the impact of the proposal on nesting birds, which are a protected species.

- 23 No development shall commence on the site until an additional survey of Great Crested newts of the adjacent drainage basin (as referred to in EDP's report) together with precise details of any associated mitigation measures and a timetable for their implementation, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with any agreed mitigation measures and timetable.

Reason - In the interests of nature conservation, and to comply with the NPPF.

- 24 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed

design of the surface water drainage system is undertaken.

- A minimum 4m wide watercourse corridor/easement protection to existing ditch course/surface water flow routes to the south eastern (rear of properties on Fenton Avenue) and south western (adjacent to Butt Lane) boundaries within the site - including trash screens to existing surface water culvert inlets (where necessary) designed in accordance with the trash/security screen guide 2009.
- Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason - The permanent retention of a continuous unobstructed area is an essential requirement for the preservation of the water course corridor, wildlife habitat and amenity. To prevent the increased risk of flooding, both on and off site, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

- 25 The development hereby approved shall only use the mains sewer system for its foul drainage discharge.

Reason - Any other means of dealing with foul discharge could have an adverse impact on the River Mease Special Area of Conservation.

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development 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 2010 (as amended).
- 2 The Council's Urban Designer recommends a note to applicant to highlight that there would be an expectation from the Local Planning Authority that the scheme draws inspiration from the positive and distinctive characteristics of the village through layout, form and appearance (including materials). Specifically, the applicant is advised as follows:
 - The Council may seek to take any RM scheme to independent design review for consideration, with OPUN currently supplying these services with the region.
 - The Council will expect the scheme to perform positively against BfL12, with 12 greens considered as appropriate target for a scheme on this site.
 - The indicative layout is not considered appropriate. A revised layout to be developed in accordance with the BfL based Design Code.
 - A minimum of two spaces will be required per dwelling, regardless of tenure, increasing

to three spaces for homes of four bedrooms or more. Garages will not be counted as a parking space.

- 3 The applicant's attention is drawn to the following notes of the County Archaeologist:
-The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
-The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
- 4 The applicant's attention is drawn to the attached comments of the County Footpaths Officer dated 11 November 2014.
- 5 The applicant's attention is drawn to the attached comments of the Coal Authority dated 01 July 2014.
- 6 The applicant's attention is drawn to the attached comments of the Environment Agency dated 04 September 2014.
- 7 The applicant's attention is drawn to the following advisory notes of the County Highways Authority:
-Your attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.

All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

-A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

-You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

-If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

-Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadadoptions@leics.gov.uk if you wish to discuss further.

- 8 With respect to condition 4, the applicant is advised that in order to provide attractive and direct pedestrian and cycle routes from the development to school and bus services, and services in Swadlincote, the site masterplan, should:
- include an upgrade of PROW P11 to provide a 2m tarmaced surface between the new internal roads and the existing footpath between numbers 17 and 19 Fenton Avenue;
 - include an upgrade of PROW P11 to provide a 3m tarmaced surface between the internal estate roads and Butt Lane.
- 9 In relation to Condition 6, the Local Planning Authority would expect the ecological / landscape management plan to specify the retention of hedgerows and include buffer zones of at least 5m from natural vegetation along the boundaries of the site except for the proposed vehicular access point.
- 10 This application is subject to a Section 106 Agreement with respect to:
- Provision of affordable housing;
 - National Forest Planting on-site/or a combination of on-site planting and an off-site contribution;
 - Financial contribution in respect of primary school education;
 - Financial contribution in respect of high school education;
 - Financial contribution in respect of upper school education;
 - Financial contribution in respect of libraries;
 - Financial contribution towards Leicestershire Police Constabulary;
 - Provision of children's play area and recreational open space;
 - Travel Packs - to inform new residents from first occupation what sustainable travel choices are in the surrounding area;
 - Six-month bus passes, two per dwelling (2 application forms to be included in Travel Pack and funded by the developer) - to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car;
 - Improvements to the two nearest bus stops (including raised and dropped kerbs to allow level access) - to support modern bus fleets with low floor capabilities;
 - contribution towards equipping the nearest bus stop(s) and suitable bus route with Real Time Information (RTI) system;
 - Travel Plan and monitoring fee;
 - Construction traffic routeing;
 - River Mease DCS contribution
 - Section 106 monitoring.
- 11 The applicant should be aware that, if any of the public footpaths crossing the site are to be diverted because the development crosses a footpath making the footpath unviable for use or the footpath would not be there once the development is completed then a footpath diversion application will need to be made to the District Council at the Reserved Matters stage. This is required under Section 257 of the Town and Country Planning Act 1990 and further information and application forms can be obtained from Julia Harley, Footpaths Officer by calling 01530 454604 or emailing julia.harley@nwleicestershire.gov.uk .

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Development of up to 275 dwellings with associated access, landscaping, open space and drainage infrastructure (outline - all matters reserved apart from access from Burton Road and Moira Road)

**Report Item No
A2**

Land Between Buton Road And Moira Road Shellbrook Ashby De La Zouch

**Application Reference
14/00578/OUTM**

**Applicant:
Richborough Estates**

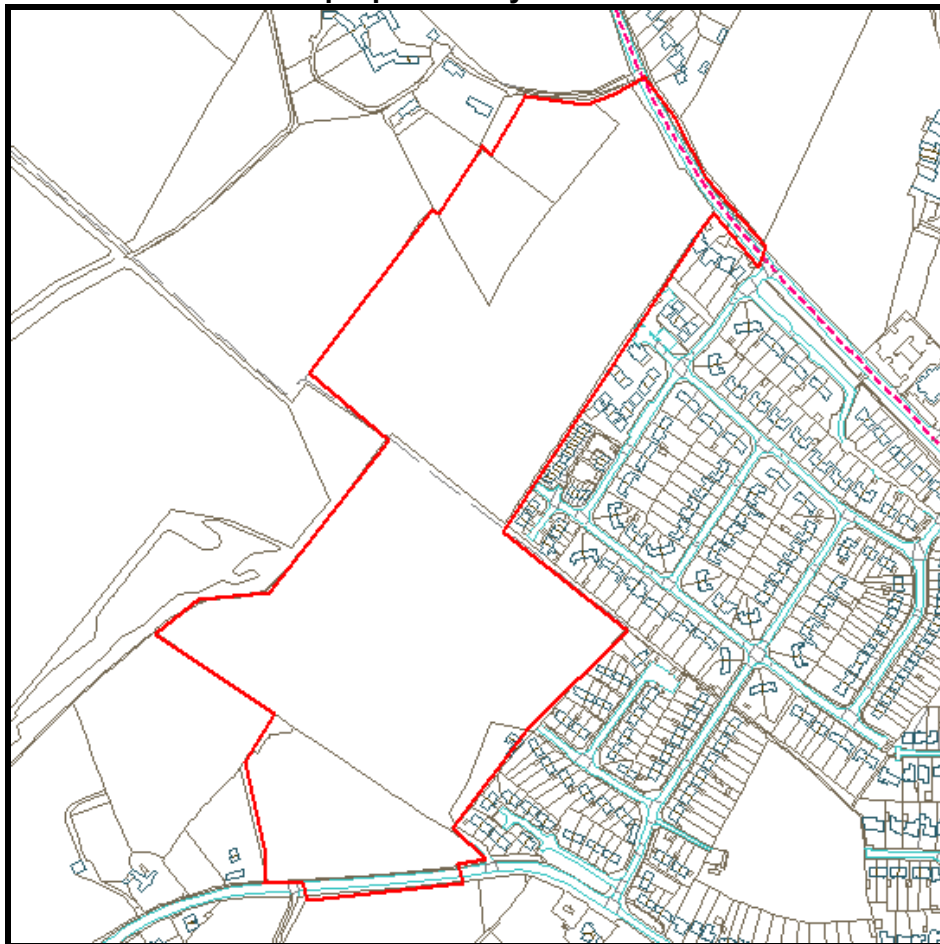
**Date Registered
20 June 2014**

**Case Officer:
Sarah Worrall**

**Target Decision Date
19 September 2014**

**Recommendation:
PERMIT Subject to a Section 106 Agreement**

Site Location - Plan for indicative purposes only



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Executive Summary

The application is being reported to the Planning Committee on the grounds that it is a major development proposal which would form a departure from Adopted Local Plan policy and on the grounds of public interest.

Proposal

This is an outline application which seeks permission for up to 275 dwellings which would have associated access, landscaping, open space and drainage infrastructure. As part of this outline application, permission is sought for the vehicular access points off Burton Road and Moira Road, but the details of appearance, landscaping, layout and scale are reserved for subsequent approval.

Consultations

Members will see from the main report that representations from local residents have been received in relation to the proposals. Statutory consultees have also made comments on the proposals, and all representations are available to view on the working file. In terms of the issues raised, statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed, or cannot otherwise be satisfied by way of condition.

Planning Policy

The application site lies in the countryside outside the Limits to Development of Ashby de la Zouch as defined in the Adopted North West Leicestershire Local Plan. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF). The site lies within the National Forest area and the River Mease Special Area of Conservation (SAC) catchment area.

Conclusion

The site lies within the countryside, as defined in the Local Plan. Whilst the proposal would not comply with the Local Plan countryside Policy S3, it is considered that the relationship of the application site to existing development and the current Limits to Development of Ashby de la Zouch along with NPPF sustainability considerations would, on balance, result in a site which would be appropriate for the proposed development.

Whilst the application is in outline form only with all matters other than access reserved for subsequent approval information has been submitted to demonstrate that the site could be developed in appropriate manner in terms of density, layout and scale and without causing any adverse impact on residential amenities of existing dwellings adjacent to the site. In addition adequate affordable housing, open space, National Forest planting and landscaping could be achieved on the site and there would be no adverse impact on the River Mease SAC, flood risk, archaeology or ecology. There would be no adverse impact on the highway network as a result of the development.

Appropriate contributions towards infrastructure requirements are proposed as part of the scheme in order to mitigate the impacts of the development scheme on local facilities and services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION - PERMIT subject to conditions and the signing of a S106 legal agreement.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides details of all consultation responses, planning policies, the Officer's assessment and recommendations, 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 application for the development of a 14.76ha site located between Burton Road and Moira Road at the edge of the existing Limits to Development of Ashby de la Zouch. The application seeks approval for up to 275 dwellings at the site and an indicative masterplan has been submitted to demonstrate how this could be achieved, although appearance, landscaping, layout and scale are reserved for subsequent approval. The indicative masterplan has taken into account a public sewer within the application site and also electricity provision in terms of dismantling existing access to the grid and the provision of new cabling to demonstrate that street lighting could be achieved on the site. The details of the site accesses to Burton Road and Moira Road are submitted as part of the application.

The proposed development would include 30% on-site affordable housing, National Forest planting, open space, sustainable drainage elements, wildlife areas, play areas, landscaping and footpath links.

The site is situated to the west of existing residential development off Abbey Drive which serves secondary estate roads and forms a link between Burton Road and Moira Road. The Holywell Spring Farm site (400 dwellings with shop, medical centre, care home, primary school et al) 13/00486/OUTM has been permitted and is situated to the north of the site on the opposite side of Burton Road. The Moira Road, Ashby appeal decision site (69 dwellings), which is under construction by Bloor Homes is situated to the south east of the application site. Existing mature woodland at Prestop Park borders much of the western boundary of the site, and this woodland forms part of the National Forest.

The site is agricultural land used for arable purposes and slopes down, quite significantly overall, north to south from Burton Road to Moira Road. Public Footpath P5 crosses the site along the centre from south east to north west and the indicative masterplan sets out how the footpath could be integrated into a development scheme.

The application is accompanied by a Design and Access Statement including a Building for Life 12 assessment, Landscape and Visual Impact Assessment including an indicative landscaping masterplan, Agricultural Land Classification report, Flood Risk Assessment, Foul Drainage and River Mease Statement, a Travel Plan and Transport Assessment, an Ecological Appraisal and Method Statement with separate Great Crested Newt and Ecological Mitigation Surveys, and Arboricultural Survey, Archaeological Desk Based Assessment and Field Walking Survey, Geophysical Survey Report, a Socio-Economic Report, an Affordable Housing Statement and Planning Statement, a Statement of Community Involvement and Draft Heads of Terms for a legal agreement.

During the course of the application various discussions have taken place between the County Highway Authority and the applicant's transport consultant in relation to highways information and updated information relating to the Transport Assessment has been submitted and considered by the Highway Authority.

Planning History

There is no relevant planning history for the site.

2. Publicity

228 no. neighbours have been notified (Date of last notification 7 July 2014)

Press Notice published 23 July 2014

Site Notice Posted July 2014

3. Consultations

Ashby De La Zouch Town Council consulted

Airport Safeguarding consulted 16 July 2014

Police Architectural Liaison Officer consulted 15 July 2014

County Highway Authority consulted 8 July 2014

Environment Agency consulted 8 July 2014

Severn Trent Water Limited consulted 8 July 2014

Head of Environmental Protection consulted 8 July 2014

Natural England consulted 8 July 2014

NWLDC Tree Officer consulted 8 July 2014

County Archaeologist consulted 8 July 2014

LCC ecology consulted 8 July 2014

NWLDC Conservation Officer consulted 8 July 2014

NWLDC Urban Designer consulted 8 July 2014

National Forest Company consulted 8 July 2014

County Planning Authority consulted 8 July 2014

LCC Development Contributions consulted 8 July 2014

NHS Leicester, Leicestershire And Rutland Facilities Management consulted 8 July 2014

Development Plans consulted 8 July 2014

Head Of Leisure And Culture consulted 8 July 2014

Manager Of Housing North West Leicestershire District Council consulted 8 July 2014

Police Architectural Liaison Officer consulted 8 July 2014

LCC/Footpaths consulted 8 July 2014

NWLDC Footpaths Officer consulted 8 July 2014

Highways Agency- Article 15 development consulted 8 July 2014

Coal Authority consulted 8 July 2014

Head Of Street Management North West Leicestershire District consulted 8 July 2014

4. Summary of Representations Received

Ashby de la Zouch Town Council - objects to the application on the grounds that the application is on a Greenfield site outside the established urban area of Ashby and would reduce the separation between Ashby and nearby Boundary and Shellbrook. The development is not required with the housing quota for Ashby already being achieved. There are concerns about the highways and the ability of the local roads to cope with the increase in traffic from the scheme, and also the impact on local infrastructure including primary and secondary schools and health facilities.

Severn Trent Water - no objection subject to a condition relating to foul sewage and surface water disposal. An informative relating to the public sewer located within the application site is also recommended.

Environment Agency - no objection subject to drainage and contamination conditions.

Natural England - no objection subject to conditions and confirms that an Appropriate

Assessment is not required to be undertaken by NWLDC.

The National Forest Company - no objection subject to condition and securing the proposed woodland planting through a S106 legal agreement.

NHS England (Leicestershire and Lincolnshire Area) - a contribution of £91,672.59 is sought in relation to the provision of 275 dwellings.

Highways Agency - no objections since the proposal would not be expected to have a material impact on the A42.

East Midlands Airport - no objection in respect of aerodrome safeguarding.

Coal Authority - no objection subject to standing advice as an informative.

Leicestershire Police - £105,631.00 is sought to mitigate the additional impact of the development.

Leicestershire County Council (Developer Contributions) - requests the following contributions:

- £14,950 towards Library Services;
- No requirement for Civic Amenity;
- £1,794,896.24 has been requested in respect of education requirements with a Primary School contribution of £798,534.66, a High School sector requirement of £491,594.68 and an Upper School contribution of £504,7566.90.

Leicestershire County Council (Ecology) - no objection to the proposal subject to conditions and comments that the supporting ecology information is excellent, and the layout allows for creation of new habitats and conservation of existing hedges with good buffer zones alongside.

Leicestershire County Council (Highways) - no objection to the proposal subject to conditions

Leicestershire County Council (Public Rights of Way) - no objections subject to conditions relating to the incorporation of footpath P5 within the scheme.

NWLDC Footpaths Officer - no objection subject to a footpath diversion if required for footpath P5.

NWLDC Conservation Officer - the listed building to the west of the site would not be adversely affected by the proposed development, and no other heritage asset would be adversely affected.

NWLDC Environmental Protection (Contamination) - no objection subject to conditions relating to ground contamination

NWLDC Environmental Protection (Noise and Pollution) - no objection subject to a condition in relation to noise and dust during construction.

NWLDC Leisure Services - £142,500 is sought in respect of leisure facilities at Hood Park Centre.

Third Party Representations

14 representations have been received in relation to the proposal and the comments can be summarised as follows:

The site and its surroundings

- No further development should be undertaken until existing planning permissions have been taken up;
- Current plans for Ashby will increase its population from 11,000 to 17,000 within 5 to 15 years;
- Green belt land and the environment should be protected;
- Brownfield development should be the norm;
- There will be an adverse impact on wildlife;
- These are the only remaining fields to the west of Ashby;
- Two huge estates opposite to one another will make this western side of Ashby into a huge suburb;
- Sites to the east of Ashby should be developed instead;
- The increase in pollution will adversely impact on wildlife;

Highways issues

- The road down to Shellbrook is already dangerous;
- A private track that runs along the end of our garden and which we use for parking should be retained and should not be a public right of way. We would request that if the scheme goes ahead that we have suitable fencing at the end of our garden;
- The traffic will impact on the town centre itself making it congested and noisy and not pleasant to shop or spend time in;
- There will be more traffic on Abbey Drive which is used as a rat run between Moira and Burton Road;
- The development would introduce more hazards along Moira Road which is used by school children walking to school and cyclists from Hicks Lodge;
- There will be even more traffic at rush hour and school times, and on Sundays when football is on at the park;
- There will be more congestion from parking on Abbey Drive as people will use the shop;

Design and Residential Amenity

- The development will cause overlooking of my property and loss of privacy;
- Every home bordering the development will be overlooked;
- The development would affect the landscape and streetscape;
- The development would result in a loss of valuable visual amenity and countryside character;

Flooding

- I have experienced flooding at my property (Whitehouse Farm) from water draining off the field. The Design and Access statement indicates my property may be affected;

Infrastructure

- There is a lack of facilities for the proposals;

- There is a lack of school places and doctors surgeries etc;
- There is a lack of jobs around Ashby to support the extra people;

Other issues

- The development will cause disturbance to neighbouring properties;
- People have not written in as they feel powerless;
- Any refusal should be final without loopholes for developers to Appeal;
- There would be a loss of countryside outlook;
- Loss of view;
- We don't know what crime the development may bring;
- We have not been offered compensation for the impact on house prices and loss of privacy;
- We asked (at the public exhibition) that access to the rear of our properties be given but this has not been done;
- We have paper and e-petitions if they are needed;
- The current housing boom in the UK could be a temporary situation and political and social factors may impact on the UK economy in the future.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document.

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.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

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

"Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that this means:

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

"32. ...Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"47. To boost significantly the supply of housing, local planning authorities should:

...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"54. ... Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

"57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"64. 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."

"100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

"118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...

...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

"123. Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise."

"131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"173. 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."

"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204. Planning obligations should only be sought where they meet all of the following tests:

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

North West Leicestershire Local Plan:

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst other things, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account a number of issues including housing mix, accessibility to centres and design.

Policy H7 seeks good quality design in all new housing development.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Mease.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting.

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Policy L21 indicates that new housing development will be required to incorporate the provision of children's play area, except where the development is a discrete site of less than 10 dwellings; or all play space needs arising from the development can be adequately met by existing facilities within walking distance.

Other Guidance

Submission Core Strategy- At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System) sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

River Mease Water Quality Management Plan - August 2011 draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme (DCS) - November 2012 is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy Regulations 2010 provides a legislative requirement that an

obligation must meet the following tests:

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

The Technical Guidance to the National Planning Policy Framework - March 2012 provides additional guidance relating to flooding.

National Planning Practice Guidance - March 2014 supplements the policies in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

North West Leicestershire District Council Supplementary Planning Document (SPD) for Affordable Housing Key Principle AH3 provides that 30% affordable housing will be sought on all sites of 15 or more dwellings in 'Ashby de la Zouch'.

North West Leicestershire District Council Supplementary Planning Guidance (SPG) Play Area Design Guidance sets out the relevant requirements in respect of children's play provision required in association with residential development.

6. 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 includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The application site lies outside the Limits to Development of Ashby, as defined by the proposals map of the adopted Local Plan. The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. Schemes outside Limits to Development and in the countryside can be considered against Adopted Local Plan Policy S3.

Notwithstanding the site's countryside location, in determining the application regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development (including its economic, social and environmental roles) as set out in the NPPF.

In terms of the Adopted Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
- the latest urban capacity information;
- the need to maintain an appropriate supply of available housing land;
- lead times before houses will be expected to be completed and build rates thereafter; and,
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of judgement. The settlement boundary of Ashby adjoins the eastern boundary of the application site and existing woodland planting at the western boundary forms a natural buffer to the site with Moira Road

and Burton Road forming physical buffers to the north and southern boundaries. In addition, the lower section of the Holywell Spring Farm site would be immediately opposite the Burton Road boundary of the current application site. As such, the site is well related to the existing settlement boundary, has a natural buffer to the west and is bound by main roads to the north and south and is not, therefore, considered to be an isolated development in the countryside.

Objections have been raised by the Town Council and neighbouring residents, on the basis that the site is a greenfield site. However, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites. It also a material consideration that the provisions of the NPPF do not specifically seek to preclude development within the countryside if they constitute sustainable development. As such, consideration must be given to whether the proposals constitute sustainable development in terms of economic, social and environmental aspects as set out in the NPPF.

Housing Land Supply

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 appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, concluded that the Council's 5 year housing land supply calculation should be based on the "Sedgefield" approach (i.e. an approach requiring planning authorities to deal with any past under-supply within the first 5 years rather than to spread this over the whole plan period) an approach now expressly preferred in the recently published National Planning Practice Guidance, and thus even more likely to be favoured by appeal inspectors going forward. The Moira Road Inspector also applied a buffer of 20% for persistent under delivery. As such, officers have recently been advising Members of the Council's inability to demonstrate a five-year supply of deliverable housing sites. The consequence of this has been that the Council has not been able to rely on adopted Policies S3 and H4/1 in determining housing applications as they are "relevant policies for the supply of housing" for the purposes of Paragraph 49 of the NPPF which, Members are aware "should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

As reported to Committee on the 8th July 2014, however, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed housing requirement, on which basis, the Council is now able to demonstrate a supply of 5.0 years (when measured against a 5 year + 20% buffer supply requirement).

Members were advised at Planning Committee in November of the recent appeal decision in respect of a site at Lower Packington Road, Ashby de la Zouch. In dismissing that appeal, the Inspector concluded that the District Council was able to demonstrate that it had a five year supply of housing land. In doing so, however, he expressed concerns regarding the inclusion of an allowance for windfall sites of 43 dwellings per annum. As such, the District Council has now recalculated the current supply having excluded this figure, and the revised figure, including resolutions, when allowing for the 20% buffer, would be 6.14 years and 7.4 years without the buffer. The Inspector also considered that, having regard to the fact that the adopted North West Leicestershire Local Plan only included for sufficient housing land to 2006, and the difference in approach between Policy H4/1 and the NPPF, Local Plan Policies H4 and H4/1 are out of date.

As a result of the above Policy S3 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF and is a material consideration in determining planning applications.

Whilst the weight to be applied to this policy against other material considerations is a matter entirely for Members, officers would advise Members, in applying weight to any conflict with Policy S3 in the overall planning balance, to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006).

However, it is accepted that the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development.

Sustainable Development

In March 2012 the National Planning Policy Framework (NPPF) was published and introduces the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So long as a development is consistent with these criteria, in principle the development should be considered acceptable.

Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by coordinating development requirements, including the provision of infrastructure. It is considered that the development would benefit the local economy through both the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and maintenance of local infrastructure. Accordingly the site is considered to be consistent with the 'economic role'.

Social - in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment. The development would provide both open market and affordable housing, appealing to a wider spectrum within the local market thereby increasing local market choice and appealing to groups whom may have otherwise been excluded from the locality.

Environmental - to fulfil this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The site is located outside the limits to development but is well related to the existing settlement. Furthermore, as set out in the report below, it is considered that the proposal would not be contrary to the aims of protecting or enhancing the natural and historic environment and statutory consultees have indicated that the natural environment would have the potential to be enhanced as a result of the development proposals. As such, the site is considered to meet the environmental aspects of sustainable development.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF,

and the development is considered acceptable in principle, representing sustainable development.

In terms of sustainability, Ashby has a wide range of services and facilities and a regular public transport service and there is a small shop on Abbey Drive close to the Moira Road entrance. In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable.

It is noted that the application site is between 1km-1.4km distance from Ashby town centre. Ashby provides a good and wide range of day to day services and facilities which meet the day-to-day needs of Ashby as well as some of the surrounding villages. These include primary schools, a secondary school, a good range of shops, leisure facilities and library, health centre as well as recreational facilities and public houses.

In addition bus stops, with regular bus services, are some 400m and 450m from the centre of the site to Moira Road and Burton Road respectively. Also of note is that whilst the Bloors appeal site on Moira Road is situated to the south east of the application site, the Inspector dealing with that site considered it to be in reasonable walking distance from the town centre.

The scheme also seeks to provide its own on-site play space and public open space with connectivity to existing residential development which, along with the aspirations for biodiversity enhancement, would be of benefit to existing residents in the locality. Furthermore, the scheme also seeks to promote walking through the site by retaining the existing footpath P5 within the site.

Taking into account the sustainability credentials of the site in respect of its surroundings and Ashby town centre, along with the fact that the site is well related to existing built development and the Limits to Development as defined in the Local Plan, it is considered that Ashby is a sustainable location for the level of development proposed for this site.

Loss of Agricultural Land

The loss of agricultural land is a material consideration in relation to the principle of releasing the site for development. The site is currently in use as arable land and the development of the site would result in an irreversible loss of land for a non-agricultural use.

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. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that greenfield land (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

The applicant has confirmed that the land is designated as Class 3 land on MAFF information but has also submitted an independent report on the ALC issue. That report concludes that 1.5ha of the north east section of the site, closest to Burton Road, is Grade 2 land and the remaining 15ha or so of the site is Grade 3b land which is not BMV agricultural land. As such, 1.5ha of the 16.54ha site would constitute BMV.

It is accepted that the magnitude of loss of agricultural land is low where less than 20 hectares

of BMV would be lost, with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively. In addition, it is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it is reasonable to have regard to the extent of the loss in the decision making process, which in this case would be small in scale. Whilst the proposed amount of open space and landscaping would be more than large enough to reverse and accommodate an agricultural use in the future it would be on Grade 3b land since the Grade 2 area would be an area which would be built on around the main access from Burton Road. Whilst this loss of some 1.5ha of Grade 2 land would be regrettable, it would need to be weighed against other material considerations and it is considered that, on balance, the concern would not be so significant as to outweigh the considerations in favour of the scheme.

When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the potential agricultural land quality issue is not sufficient to warrant a refusal of the scheme, particularly given the relatively limited extent of the potential loss (some 1.5ha).

Density, layout, design and residential amenities

The design details of the site are reserved for subsequent approval should this application be approved. However, it is evident from the size of the site (some 16.54ha) in relation to the maximum number of dwellings proposed (275) that the density of the development would be low. As such, and as suggested on the indicative masterplan, there would be opportunity for higher density development adjacent to the adjoining built form off the Abbey Drive estate roads to be in scale and character with that development, with lower density development moving west which would feather into the proposed open space and woodland planting areas linking the scheme with the countryside rather than being an abrupt cut off which would be incongruous.

The indicative masterplan also sets out how development could be achieved on the site with adequate distance separations between proposed and existing developments to ensure there would be no overlooking, overshadowing or overbearing impact.

Whilst the application is outline only with matters of appearance, landscaping, layout and scale reserved for subsequent approval, the indicative masterplan demonstrates a scheme for 275 dwellings could be achieved on site without any adverse impact on visual amenities of the area and without any adverse impact on residential amenities. The proposal would, therefore, be in accordance with Policies E3 and E4 of the Adopted Local Plan.

Highways and public rights of way

A signalised junction is proposed at the Burton Road access and this would take place either individually in relation to this scheme or in conjunction with the Holywell Spring Farm scheme and this would need to be addressed as part of any legal agreement. The Highway Authority has no objection to the proposed Moira Road access. The Highway Authority has made the following comments:

"The development is proposing three new site accesses; one off Burton Road to the north of the site, one of Moira Road to the south and a further minor access off Abbey Close.

The Burton Road site access is proposed as a traffic signalised junction incorporating the Holywell Spring Farm proposal on the opposite side of Burton Road. This is shown in PTB drawing no T13532 001 Rev B. It is the CHA's understanding that the Holywell Spring Farm site now benefits from a planning permission. For the purposes of the TA, the Holywell Spring Farm

has therefore been considered as a committed development. The TA has demonstrated that this combined junction arrangement operates within capacity.

PTB has also submitted a ghost island priority junction, as shown in PTB drawing no T13532 006, which is intended to serve the development in the interim or in a situation where the Holywell Spring Farm development is not materialised. If the Holywell Spring Farm is not delivered, then a signalised junction would not be required to serve the current proposals and the CHA does not wish for such a junction to be provided unnecessarily. However, the provision of ghost island junction in the interim would enable its conversion into a combined traffic signalised junction in the future, and therefore provides an interim solution which both provides flexibility for future development at Holywell Spring Farm without requiring traffic signals to be provided unnecessarily. PTB has demonstrated that conversion from a ghost island to a signalised junction can be provided without significant subsequent alterations to the kerblines on the south side of Burton Road.

The Moira Road site access is proposed as a ghost island priority junction, as shown in PTB drawing no T13532 002 Rev B. The TA has demonstrated that the site access junction will operate within capacity."

As such, the Highway Authority is satisfied that the transport assessment information submitted is correct, and it concludes that there would be no adverse impact on Ashby town centre as a result of the development since there are a number of alternative routes for the development traffic. The applicant is in discussions with Arriva to reroute the number 9 bus service from Moira Road through the centre of the development should the application be approved but this reroute cannot be confirmed at this time.

As part of a legal agreement Travel Packs would also be required, along with a Travel pack monitoring scheme contribution of £6,000.00 and provision of a bus route through the site for five years or until commercially viable

The indicative masterplan shows that the footpath P5 would be incorporated into the scheme along its current route. However, on the basis that the plan is indicative only, a reserved matters scheme could change this and it is recommended that conditions be attached to a permission, should the application be approved.

National Forest and ecological/protected species

The National Forest Company advises that the scheme proposes a scale and integration of National Forest planting that would be welcomed. It also advises that the implementation of the proposed woodland adjoining the development and the aspirations of the proposed Landscape Masterplan and Green Infrastructure Plan are secured through a S106 agreement. It is recommended that these issues be addressed in any legal agreement since the aspirations of the applicant include the retention of existing lines of hedgerow and key trees within the site but landscaping is a matter reserved for subsequent approval, should this outline application be approved.

The land is currently arable and of limited value for biodiversity since the land is worked. As such, the County Ecologist advises that the proposed development would be likely to bring about an increase in biodiversity value if it was to be implemented in accordance with the submitted masterplan. Whilst there are some design concerns about the layout which would mean that the indicative masterplan would not be an approved plan as part of a permission, should the application be approved, an informative could be attached as part of any permission

to advise a developer as to what kind of layout would be sought which would address the County Ecologists comments. The County Ecologist is satisfied with the information relating to protected species that has been submitted.

Natural England advises that it welcomes the high standard (30%) of open space on-site provision which would be in accordance with National Forest policies. Natural England also suggests that the scheme could incorporate wildlife enhancing features into the design, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such issues would be addressed in one of the conditions recommended by the County Ecologist.

Heritage Issues

The NWLDC Conservation Officer advises that there would be no adverse impact on the setting of the Listed Building off Moira Road, which is adjacent to the application site, as a result of the development.

No written comments from the County Archaeologist have been received but pre-application advice was provided and verbal comments on the application have been received. Any written comments subsequently received will be reported on the Update Sheet. It is recommended that conditions relating to the potential underground heritage assets be attached to a permission should the application be approved.

Drainage and River Mease SAC

The Environment Agency has no objection to the proposal in terms of flood risk subject to an appropriate condition. It is noted that a neighbouring property raises concern about flooding of their property from the existing site. However, surface water drainage scheme details would need to be submitted as part of a reserved matters scheme should this current application be approved in order to ensure that the proposed development did not cause flooding on or off the site.

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The flows from the new dwellings will need to be taken into account against the existing headroom at Packington Treatment Works, which serves the Town. At March 2014 capacity as available for 533 dwellings but this is reduced by the number of dwellings that have consent and/or are under construction whilst also considering those which are pending consideration which at the time of writing totalled 233. Taking these into account, assuming all would be approved, capacity available at the treatment works would be reduced. However, it has been confirmed that there is capacity available at Packington Treatment Works to accommodate the proposed development, especially given the closure of the Arla site in Ashby which adds approximately 1900 additional houses to the headroom figure in the 2014 capacity report, and as such raise no objection to the proposal in this respect.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF. When having regard to the existing agricultural use of the site, the proposal for up to 275 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS.

Natural England submit that whilst Severn Trent Water have confirmed there is capacity at the Packington Sewage Treatment Works, hydraulic modelling and infrastructure upgrades are required in order to make this a viable option. Surface water soakaway schemes would need to be investigated further since there is potential for surface water to be discharged into the adjacent water course which flows into Shell Brook, which has hydrological connectivity with the River Mease. These matters can be addressed through condition.

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 the Community Infrastructure Levy (CIL) Regulations 2010.

National Forest planting

The requirements of The National Forest Company are set out in the relevant section above and submit that the proposed woodland adjoining the development and the aspirations of the proposed Landscape Masterplan and Green Infrastructure Plan are secured through a S106 agreement.

Affordable Housing

Under the Council's Affordable Housing SPD, 30% affordable housing at Ashby is required on sites of 5 dwellings or more, and the applicant is agreeable to this. This would be incorporated into a S.106 legal agreement as a percentage on the basis that the outline application proposes up to 275 dwellings maximum, but there could be fewer dwellings proposed at the site as part of any reserved matters submission.

Leicestershire County Council

Highways requirements are set out in the relevant section above.

Leicestershire County Council has requested £14,950 towards library services in respect of the proposal of up to 275 dwelling. It is submitted that the proposed development would likely generate an additional 396 plus users and would require an additional 960 items of lending stock plus reference, audio visual, and homework support material to mitigate the impacts of the proposed development on the local library service at Ashby.

A further £1,794,896.24 has been requested in respect of education requirements. The Primary school contribution of £798,534.66 is sought since the scheme would result in a deficit of 66 places which could not be accommodated at Ashby Hilltop Primary School or other schools within a two mile walking distance (Moir, Willesley, Woodcote and Ashby CE Primary Schools). The contribution would be used to accommodate the capacity issues created by the proposal by improving, remodelling or enhancing existing facilities at Ashby Top Primary School. A High School sector requirement of £491,594.68 is sought in respect of a deficit of 27.5 pupil places at Ashby Ivanhoe College which would occur as a result of the development proposal and taking into account other S106 agreements from other schemes. There are no other high school facilities within three miles so the contribution would be used to improve, remodel or enhance Ashby Ivanhoe College. An Upper School contribution of £504,7566.90 is sought in relation to a 27.5 pupil deficit caused by the proposal and would be used to improve, remodel or enhance Ashby School. There are no other high school facilities within a three mile walking distance of the site.

Health Infrastructure

NHS England (Leicestershire and Lincolnshire Area) seek £91,672.59 in relation to the proposed development on the basis that the proposal could result in an increased patient population of 660. It advises that there are two GP surgeries in Ashby, both on North Street. Whilst the North Street practice has advised the NHS that it would have capacity to deal with 106 new patients (based on proportional share to existing size), the Ashby Health Centre would not have capacity for its proportional share of 554 new patients. The facility does not have sufficient consulting rooms to meet the requirements of existing patients and the quality of the building does not lend itself to extensions so NHS England is supporting a new surgery for the practice.

The contributions for NHS England and primary schools cannot take into account the Holywell Spring Farm application proposals since whilst the permission has been issued, works have not begun so there is no guarantee that scheme would come forward. If this application was to be approved, the situation could be reassessed at a future time if necessary.

Policing Contributions

Leicestershire Police seeks £105,631.00 to mitigate the additional impacts of the development with a proposed breakdown as follows:

- £11758 Start up equipment
- £6985 Vehicles
- £710 Additional radio call capacity
- £357 PND additions
- £613 Additional call handling
- £5426 ANPR
- £1000 Mobile CCTV
- £78232 Additional premises
- £ 550 Hub equipment

The policing contributions set out above remain under consideration as to whether they meet the tests pursuant to CIL Regulation 122.

Leisure Services

NWLDC Leisure Services seek £142,500 in respect of leisure facilities at Hood Park Centre. The centre's fitness suite is already running above capacity, and to meet latent demand the suite would need to increase in size. The proposal would result in a potential 151 new members. However, the request made includes existing unmet demand of 136 members as well as that of the development proposal and a revised request has been sought since the current request is not CIL compliant. Any revised request will be reported on the Update Sheet.

Children's Play Area and Public Open Space

The indicative layout shows the proposed public open space and play areas and the applicant is agreeable to entering into a legal agreement to secure the provision of these aspects.

Other than where indicated above, the obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and the developer has indicated they are agreeable to the contributions other than Police and the current Leisure centre requests.

Other Issues

Devaluation of property and loss of view are not material planning considerations. The concerns raised by third parties about the planning process are noted, but the process is set out in legislation and there is always a right to appeal by an applicant if a proposal is refused or an aspect of an approval is not agreed with.

Conclusion

The site lies within the countryside, as defined in the Local Plan. Whilst the proposal would not comply with the Local Plan countryside Policy S3, it is considered that the relationship of the application site to existing development and the current Limits to Development of Ashby de la Zouch along with NPPF sustainability considerations would, on balance, result in a site which would be appropriate for the proposed development.

Whilst the application is in outline form only with all matters other than access reserved for subsequent approval information has been submitted to demonstrate that the site could be developed in appropriate manner in terms of density, layout and scale and without causing any adverse impact on residential amenities of existing dwellings adjacent to the site. In addition adequate affordable housing, open space, National Forest planting and landscaping could be achieved on the site and there would be no adverse impact on the River Mease SAC, flood risk, archaeology or ecology. There would be no adverse impact on the highway network as a result of the development.

Appropriate contributions towards infrastructure requirements are proposed as part of the scheme in order to mitigate the impacts of the development scheme on local facilities and services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION: PERMIT - subject to the signing of the Section 106 agreement and the following conditions:

- 1 Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason- This permission is in outline only.

- 3 The development shall be carried out strictly in accordance with the following schedule of plans unless otherwise required by a condition of this permission:

Site location plan;
Drawing Number T13532 Rev B (PTB plan) - Burton Road site access;
Drawing Number T13532 006 (PTB plan) - Burton Road site access;
Drawing Number T13532 001 Rev B (PTB plan) - Burton Road access;
Drawing Number T13532 003 (PTB plan) - minor access at Abbey Close; and
Drawing Number T13532 002 Rev B (PTB plan) - Moira Road site access.

Reason- To determine the scope of this permission.

- 4 The reserved matters application(s) shall include precise details of the finished floor levels to each dwelling and the finished ground levels across the site in relation to an existing datum point and in relation to the existing levels of the dwellings along the eastern boundary of the site.

Reason- In the interests of visual and residential amenities.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space/children's play areas, surfacing and width of footpaths through the site, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason- To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.

- 6 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

Reason- To provide evidence that demonstrates detailed compliance with Building for Life 12.

- 7 Notwithstanding any details submitted and before development commences on the site a detailed scheme for the boundary treatment of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the dwelling is occupied.

Reason- To preserve the amenities of the locality.

- 8 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement in respect of criteria/subcategories contained within the Code for Sustainable Homes. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as evidence to demonstrate compliance with the relevant criteria has been submitted to and agreed in writing by the Local Planning Authority.

Reason- To ensure the scheme provides for a sustainable form of development.

- 9 None of the dwellings hereby approved shall be occupied until a scheme of measures to ensure the sewer/drainage network has capacity to serve the development has been provided in full accordance with a scheme that has first been submitted and agreed in writing with the Local Planning Authority (in consultation with Severn Trent Water).

Reason- To ensure sufficient capacity is available within the local drainage network.

- 10 No development shall commence on site until such a time as details of the means of disposal of foul drainage from the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details which shall thereafter be so retained.

Reason- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in the interests of the integrity of the River Mease SAC/SSSI.

- 11 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development to demonstrate there would be no adverse impact on controlled waters, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason- To prevent flooding by ensuring the satisfactory storage of, and disposal of, surface water from the site.

- 12 No development shall commence until full details of comprehensive soft and hard

landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) Proposed species rich grassland across the whole site;
- b) Proposed native hedgerow planting;
- c) Schedules of all planting, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate; and,
- d) Implementation and management programme.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

- 13 The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

- 14 No development shall commence until a biodiversity management plan for all retained and created habitats including SUDS has been submitted to and agreed in writing by the Local Planning Authority. The SUDS should be designed to maximise benefit to wildlife.

Reason- In the interests of nature conservation.

- 15 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to September (inclusive).

Reason- In the interests of breeding birds, and to ensure no adverse impact on other protected species in the interests of nature conservation.

- 16 No development shall commence on site until details of the design and location of bird nesting boxes and bat boxes have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details, and the measures incorporated shall thereafter be so retained.

Reason- In the interests of providing potential bird nesting and bat roosting sites in the interests of nature conservation and enhancing the biodiversity of the site.

- 17 All landscape planting in the informal/natural open space and adjacent to the western site boundaries next to open countryside should be of locally native species only.

Reason- In the interests of nature conservation.

- 18 Buffer zones of at least 5m of natural vegetation should be maintained alongside all

retained hedgerows.

Reason- In the interests of nature conservation.

- 19 No development shall commence until a lighting scheme for the development site has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include provisions to demonstrate that light spill onto retained hedgerows and the brook corridor, to be minimised to a value of 1 lux or lower at the edge of the habitats.

Reason- In the interests of protected species.

- 20 Should development not start for three years since the last survey (late 2013) an updated badger survey will be required to be submitted.

Reason- In the interests of protected species on the site.

- 21 No development shall commence on site until a protective fencing scheme for all trees that overhang the site in accordance with British Standard 5837:2005 (which shall include a plan to a metric scale showing the position of the protective fencing and details of the design of the fencing) has been submitted to and agreed in writing by the Local Planning Authority. No development shall commence on site until the agreed scheme has been implemented and it shall be kept in place until construction of the buildings, and the associated areas of hard surfacing is completed.

Reason - In the interest of health and safety and the amenity value of the trees.

- 22 If any works are to be carried out within the areas bounded by the protective fencing, then no development shall commence in respect of these works until a method statement which sets out how the development will be undertaken within these areas has been submitted to and agreed in writing by the Local Planning Authority. The works within the areas bounded by the protective fencing shall be undertaken in accordance with the agreed method statement.

Reason - in the interest of health and safety and the amenity value of the trees.

- 23 No work shall commence on the site until such time as a scheme for protecting the existing trees and hedgerow, identified as being retained, during the construction process has been submitted to and approved by the Local Planning Authority and implemented to its satisfaction. The scheme shall include measures to protect the working area within Root Protection Areas. Such protection as is agreed shall be maintained during the course of development.

Reason- To ensure satisfactory protection of the existing trees and hedgerow in question during the period when construction works take place on the site.

- 24 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the

initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)

- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 25 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 24.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 26 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 24 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording of the undesignated heritage asset.

- 27 No development (except the demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175 Year 2011 Investigation of Potentially Contaminated Sites Code of Practice;
 - BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and,
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by The Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of the development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination to include and required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason- To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 28 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and,
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the remedial Scheme have been completed.

Reason- To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.

- 29 No development shall commence on site until a detailed method statement for construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The method statement should set out methodologies to remove any risk of fuel, petrol, oil, soils, building materials, bankside material and waste water entering the nearby stream during construction, including how and where materials, fuel and plant will be stored and contained, containment of waste water on the construction site, use of site spill kits and briefing to construction staff. The statement shall also set out means of dealing with dust emanating from the site and the means of construction vehicle wheel wash. All construction works relating to the development hereby approved shall be carried out in accordance with the agreed method statement.

Reason - In the interests of the River Mease SAC and in the interests of residential amenities.

- 30 Prior to commencement of development, a detailed design of the proposed signalised site access junction at Burton Road (as shown in PTB drawing T13532 001 Rev B) or ghost island site access junction at Burton Road (as shown in PTB drawing T13532 006); ghost island priority junction site at Moira Road (as shown in PTB drawing T13532

002 Rev B); and minor vehicular site access at Abbey Close (as shown in PTB drawing T13532 003) shall be submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure a satisfactory form of development and in the interests of highway safety.

- 31 Prior to commencement of development, a traffic calming scheme on Moira Road in the vicinity of the proposed site access shall be submitted to and approved in writing by the Local Planning Authority.

Reason- To ensure adequate and safe access for all modes of transport to and from the development.

- 32 Prior to the occupation of any dwelling hereby permitted, either the Burton Road site access (as shown in PTB drawing T13532 001 Rev B or T13532 006) or the Moira Road site access (as shown in PTB drawing T13532 002 Rev B) shall be provided in full and be available for use.

Reason- To ensure adequate and safe access for all modes of transport to and from the development.

- 33 Notwithstanding the details in the submitted Travel Plan and Transport Assessment, a Public Transport Scheme shall be submitted to and approved in writing by the Local Planning Authority and the CHA to include full details of the proposed destinations, routes, days and hours of operation, frequency and duration of provision of daily bus service(s) to serve the development. The bus service(s) shall be provided thereafter by the developer in accordance with the approved details until such time that the said services become commercially viable.

Reason- To ensure high quality frequent public transport choice for all new residents from early occupation in order to encourage modal shift.

- 34 No part of the development as approved shall be brought into use until details of an updated Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority.

The Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied.

The Plan shall specify facilities and measures with measurable output and outcome targets designed to:

- i. Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site,
- ii. Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel,

iii. Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The Plan shall also specify:

- iv. The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,
- v. The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.
- vi. The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
- vii. Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if invoked, to the implementation of the specified additional measures.

Reason- To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

35 Before first use of the development hereby permitted, a footway shall be completed to the satisfaction of the Highway Authority from existing footways on Burton Road, Moira Road and Abbey Close to the point of the new access to the site.

Reason- The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.

36 No development shall commence on site until such time as a development masterplan, detailing a continuous spine road between the Burton Road and Moira Road site accesses, has been submitted to and approved in writing by the Local Planning Authority. The spine road(s) shall be a minimum of 6 metres wide throughout in order that it can safely accommodate the proposed bus service along its length, and shall also detail location and specification of bus stops.

Reason- To ensure that the buses and other vehicles entering, leaving and travelling through the site may pass each other clear of the highway and not cause problems or dangers within the highway.

37 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason- To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

38 No construction traffic shall be permitted on Abbey Close.

Reason- To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

39 No development shall commence on the site until such time as details of the routing of construction traffic has been submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason- To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

40 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences. Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

Reason- To ensure a satisfactory form of development and in the interests of highway safety.

Notes to applicant

1 Planning permission/or approval of reserved matters (delete as appropriate) has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development 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 2010 (as amended).

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Demolition of public house and construction of 14 new one
bed flats

Report Item No
A3

The Pick N Shovel 2 High Street Coalville Leicestershire

Application Reference
14/00893/FULM

Applicant:
EMH Housing And Regeneration Limited

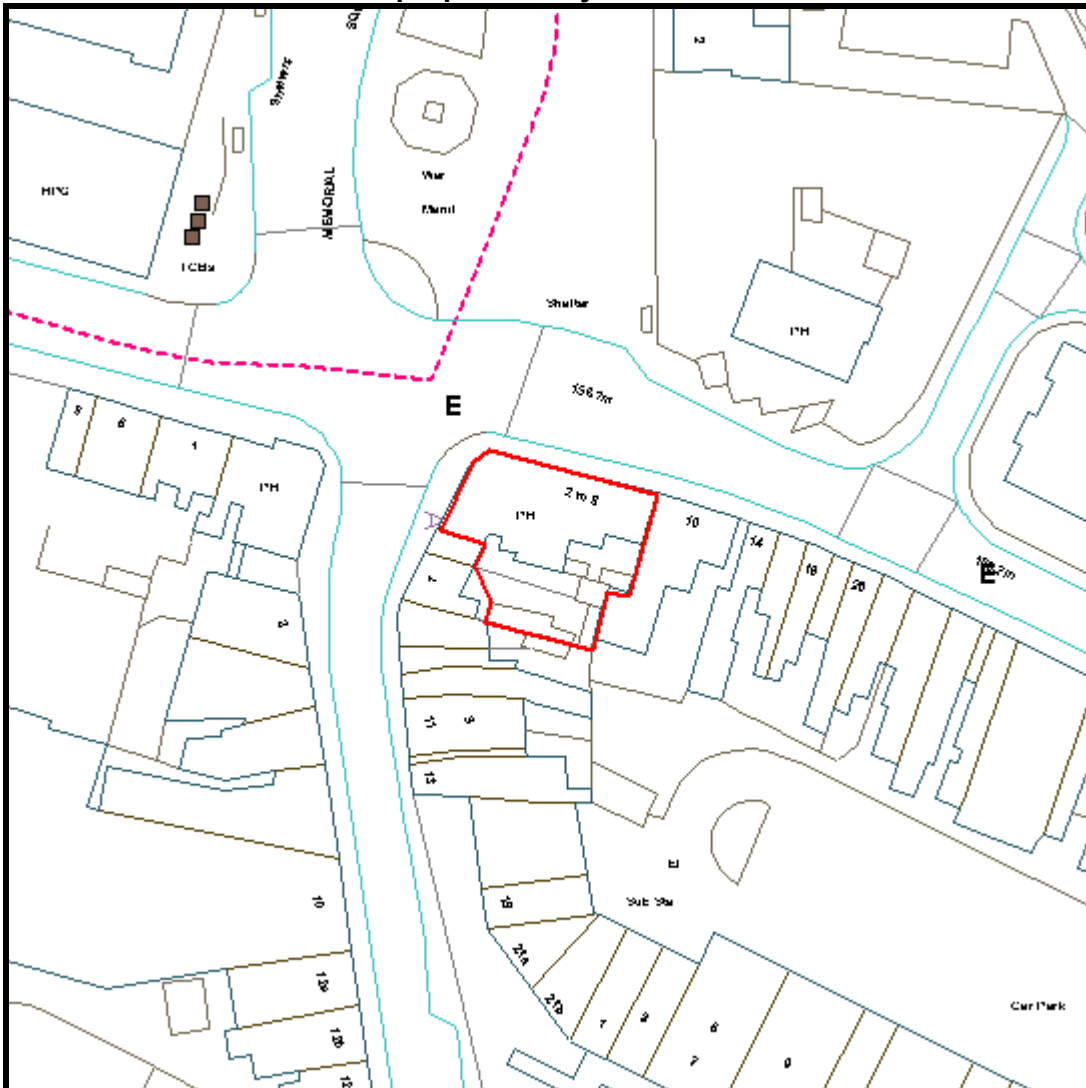
Date Registered
15 October 2014

Case Officer:
James Mattley

Target Decision Date
14 January 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application falls to be determined by the Planning Committee as the Council has a financial interest.

Proposal

Planning permission is sought for the demolition of the public house and construction of 14 new 1 bed flats at the Pick and Shovel, High Street, Coalville.

Consultations

Members will see from the report below that no representations have been received from surrounding neighbours and no objections have been received from any statutory consultees.

Planning Policy

The application site is within Limits to Development and in the Core Town Centre Shopping area as defined in the adopted North West Leicestershire Local Plan, and the site is also subject to various retail type policies of the Local Plan, including Policies R1, R8, R11 and R16. Also relevant is the advice contained in the National Planning Policy Framework.

Conclusion

Strictly speaking, the scheme would not be compliant with Policy R4 of the Local Plan as it includes for a residential use at ground floor level within the town centre. However, given that the proposal would secure a new building for this derelict site which has been vacant for a number of years, would provide for much needed affordable housing and help to support the regeneration of Coalville it is considered that, on balance, the scheme would represent sustainable development and would be acceptable in principle.

Subject to suitable conditions, the proposed building is considered to be acceptable in terms of its impact on the visual amenity of the area and the character and appearance of the Conservation Area. The proposal is not considered to affect residential amenity in the area, conflict with highway safety, impact upon heritage assets, drainage, flooding or protected species. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION - PERMIT SUBJECT TO CONDITIONS AND SUBJECT TO SUITABLE MITIGATION OF LIBRARIES AND CIVIC AMENITY ISSUES;

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, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the demolition of the public house and construction of 14 new 1 bed flats at the Pick and Shovel, High Street, Coalville. The subject property is a two storey building situated on a prominent corner location of High Street and Belvoir Road. The site is located in a predominantly commercial area within the heart of the Town Centre. The application site is within Limits to Development and in the Core Town Centre Shopping area as defined in the adopted North West Leicestershire Local Plan.

The Pick and Shovel public house has been vacant since 2004 and is currently boarded up. The existing building would be demolished and replaced by a new building that would be part three storey and part three and a half storey and which would front onto High Street and Belvoir Road. The new building would provide for 14 one bedroom two person flats that would be used for affordable housing. The affordable housing would be provided as affordable rent and would be managed by East Midlands Housing Association.

No car parking is to be provided with the flats due to the town centre location although secure cycle parking would be provided in the rear courtyard along with a communal bin store and amenity area.

The application is accompanied by a design and access statement, flood risk assessment, building for life assessment, archaeological assessment and draft construction and demolition method statement. These documents are available for Members to view on the file prior to the Committee Meeting.

Pre-application advice has been carried out prior to the formal submission of this application.

Relevant Planning History:

06/02015/FUL - Change of use to form two no. units for A1 (shops), A2 (financial and professional services), A3 (restaurants/cafes) or A4 (drinking establishments) use with new shop fronts and windows to ground floor and retention of first floor flat - permitted.

05/01688/FUL - Four storey mixed use development comprising Class A2 (financial and professional services) and Class A3 (restaurants and cafes) use at ground and part first floor level and 18 no. self-contained flats above - refused.

02/00151/ADC - Display of various illuminated and non illuminated signage - permitted.

2. Publicity

16 no. neighbours have been notified (Date of last notification 11 November 2014)

Site Notice displayed 5 November 2014

Press Notice published 12 November 2014

3. Consultations

County Highway Authority
Environment Agency
Severn Trent Water Limited
Head of Environmental Protection

County Archaeologist
 LCC ecology
 NWLDC Conservation Officer
 NWLDC Urban Designer
 National Forest Company
 LCC Development Contributions
 NHS Leicester, Leicestershire And Rutland Facilities Management
 Manager of Housing North West Leicestershire District Council
 Police Architectural Liaison Officer
 Head of Street Management North West Leicestershire District

4. Summary of Representations Received

No representations have been received from members of the public.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

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.

The policies of the North West Leicestershire Local Plan as set out in more detail 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. In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

The following sections are considered relevant:

Paragraph 17 sets out the 12 core planning principles. In particular, the third principle provides that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

"23 Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"58 Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping."

"60 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"64 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."

"123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

"131 In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be..."

"133 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

"134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

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

Adopted North West Leicestershire Local Plan (August 2002)

The site is located within Limits to Development and within an area subject to the following policies:

Policy R1 provides that shopping and related development (such as financial and professional services and food and drink uses) will be permitted within Coalville and Ashby de la Zouch Town Centres, on allocated sites, and in existing or proposed local shopping areas. New retail

development outside these areas will only be permitted where it can be shown that a number of criteria would be satisfied.

Policy R11 provides that, in addition to the uses set out in Policy R4, only uses within Use Classes D1 and D2 will be permitted to ground floor frontages within the outer part of the Coalville town centre shopping area, and that shop window displays will be required where appropriate. (Policy R4 lists uses such as retail, financial and professional services and food and drink-related uses as being appropriate within the core area).

Policy R16 provides that, within the Coalville and Ashby de la Zouch shopping areas and other local and village centres, only the use of upper floors for a number of specified purposes will be permitted, subject to parking and amenity considerations. It also provides that, where the proposals will not cause a problem in the locality, the requirement to provide car parking spaces to serve small schemes for the creation of flats over existing shops in such areas may be waived in cases where private car parking cannot be reasonably provided on site or in the locality where certain criteria can be met.

In addition to the policies listed above, the following policies of the adopted North West Leicestershire Local Plan are also relevant:

Policy S2 states that development within the Limits to Development will be permitted where it complies with the policies in the Local Plan.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 states that all development should make appropriate provision for hard and soft landscaping.

Policy T3 states that development will be permitted only where its highway design and layout make adequate provision for vehicular access, servicing arrangements and circulation.

Policy T8 sets out the criteria for the provision of parking associated with development.

Policy T13 requires adequate provision for cycle parking.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Policies

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

6. Assessment

Principle

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of new buildings and extensions/alterations are considered acceptable subject to impacts upon design, amenity, highway safety and any other material considerations.

The site is located in the Coalville Town Centre Shopping Area. Policy R16 of the Local Plan is concerned specifically with the use of upper floors and states that residential uses are acceptable subject to parking and amenity considerations. The text in relation to the policy also goes on to state that the use of upper floors for residential purposes will help restore vitality to shopping areas outside of normal shopping hours. Having regard to the advice in Policy R16 it is not considered that there would be any conflict with this policy. Issues regarding parking and amenity are considered in more detail elsewhere in this report.

Local Plan Policy R4 is concerned with ground floor uses within the Coalville Town Centre Shopping Area and residential development is not listed as one of the acceptable uses. The policy also goes on to say that ground floor premises within this area should provide and maintain appropriate window displays in order to maintain the vitality of core areas. The proposal would include for residential windows at ground floor and these would not provide for appropriate window displays or active frontages to the street and there would be a clear conflict with Policy R4.

Conversely, it is recognised that the retail policies in the Local Plan are relatively old and consideration should be had to the advice in the NPPF concerning the vitality of town centres in order to set the context of the proposal against the most up to date planning policy. Paragraph 23 of the NPPF states that local planning authorities should *"recognise that residential development can play an important role in ensuring the vitality of centres and set policies to encourage residential development on appropriate sites"*.

Whilst the scheme would not be in accordance with Policy R4 it is considered reasonable to have regard to the existing building on the site that has been vacant for around ten years, currently has its windows and doors boarded up by metal and timber shuttering (which cannot be considered an appropriate window display) and has led to vandalism. In cases such as this, where there is tension between a specific Local Plan policy and the NPPF taken as a whole, the relative 'weight' to be afforded to Policy R4 (in this instance) should be subservient to the wider benefits of the proposal and in particular of much needed affordable homes in a location that benefits from highly accessible shops and services.

The site is located within the heart of the Coalville Conservation Area and the vacant building, as it currently stands, is considered to detract from the character and appearance of the Conservation Area and its surroundings. The new building would replace the existing vacant building, which does not have a positive impact upon visual amenity, and replace it with one that has the potential to have a positive appearance in the context of enhancing the character and appearance of the Conservation Area. The removal and replacement of a vacant building would also accord with the thrust of the policies in the NPPF which seek to secure sustainable economic growth.

The new building would provide for 14 one bed affordable units within Coalville which is considered to be another positive element of the scheme. There are currently 65 people under the age of 55 on the waiting list for one bed flats and the scheme would provide for much needed affordable housing within the centre of Coalville that would have good access to a range

of services and facilities.

It is accepted that the scheme would not be compliant with Policy R4 of the Local Plan but when having regard to all of the above, on balance, the principle of the development is considered to be acceptable. It is necessary to consider other relevant policies in the Local Plan relating to amenity, design and highway safety and any other material planning considerations.

Loss of Public House

The proposal would result in the loss of a building that was last used as a public house which is a local service and therefore, consideration needs to be given to the loss of such facilities in the determination of this application. The NPPF contains policies which guard against the loss of valued services. The application is accompanied by a design and access statement that concludes that there are a number of alternative public houses in close proximity and also provides information on the marketing attempts that have taken place in recent times.

There are a number of other public houses in the town centre including The Red House and Snibstone New Inn which are located immediately adjacent to the existing site. When having regard to the proposal in the context of other public houses available within the locality, it is not considered that the loss of the public house would result in insufficient facilities remaining to cater for the day to day needs of local residents. Taking all of these matters into account, it is considered that as adequate attempts have been made to market the property and other public houses are available in the locality, the loss of the public house would be acceptable in principle.

Design and Impact on Heritage Assets

The need for good design in new development is outlined in paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 seeks to achieve good design in new development. The aspiration in the NPPF is to "always seek to secure high quality design" (paragraph 17) and that "permission should be refused for development of poor design that fails to take the opportunities available from improving the character and quality of an area and the way it functions" (paragraph 64).

The scheme has been the subject to revisions as a result of negotiations during pre-application discussions and during the course of the application. These have centred on the treatment of the elevations, the height of the building as it wraps around the corner of Belvoir Road, the lack of shop frontages at ground floor level and ensuring that the new development respects the history of the previous uses that have operated on the site.

In terms of the scale of the building, its height would be similar to the adjacent building to the High Street frontage, and some attempt has been made to provide the "step" down to the adjacent, significantly smaller buildings on Belvoir Road. Whilst this relationship is not ideal, there are some limitations on the further amendments that could be made due to the proposed building's required floor levels. The difference in heights of the existing and proposed building results in a prominent blank gable being visible from Belvoir Road. Discussions are on-going with the applicant regarding the inclusion of a memorial plaque/signage on this element of the scheme in order to break up this blank elevation and to reference the former uses that have

operated from the site. In terms of its impact on the area in general, a building of some scale is not considered inappropriate given the large open area encompassing Memorial Square, onto which this prominent corner plot faces.

The submitted elevations show three gabled elements to the High Street frontage including hanging bay windows at first floor level. The elevation would consist of areas of brickwork and render. The design of the building that fronts onto High Street would appear well related to the existing building that is located directly adjacent to it which also contains projecting elements and a mix of render and brickwork. The building successfully wraps around the corner with a splayed arrangement and overall the elevations are considered to be attractive and well related to Coalville. No objections are raised in principle to the scheme from the Council's Urban Designer although he suggests a small number of minor improvements could be made to the chimney stack styles, ground floor frontage in order to provide an appearance of retail units, boundary treatments and reflecting the previous use/memory of the site. The applicants have supplied amended plans showing the ground floor frontages having a shop front appearance and the other matters raised by the Urban Designer can be dealt by suitably worded planning conditions.

In terms of heritage issues, the building occupies a prominent location within the Coalville Conservation Area. The existing building has some merit but has been left vacant for a number of years and is currently in a poor state of repair which detracts from the character and appearance of the Conservation Area. The Council's Conservation Officer considers that the building is not of such quality that its retention could be insisted upon and considers that the proposed building should result in landmark building that has a positive impact upon the Conservation Area. To ensure a high quality finish conditions are recommended in respect of materials.

In terms of design and heritage issues, therefore, it is considered that the proposed development would be appropriate in this area and would not detract from the character and appearance of the Conservation Area, and the requirements of Local Plan Policies E4, H7 and the design and heritage advice contained in the NPPF are considered to be met by the scheme.

Highway Safety / Access / Parking

No vehicular access or off-street car parking is proposed in association with the proposed development. Whilst no off-street parking is proposed, this is not considered inappropriate, having regard to the town centre location of the site, the presence of bus stops in close proximity to the site and the inclusion of cycle parking.

At the pre-application advice stage officers had sought to encourage rear vehicular access / servicing of the development (i.e. via the existing Belvoir Centre service yard / car park); however, the application site does not directly abut this service area, and this has not proved possible to secure. Alternative measures (including provision of a lay-by) for securing servicing have also been discussed with the County Highway Authority and a formal response on this issue is expected to be provided on the update sheet. However, the County Highway Authority has no objections subject to the inclusion of various conditions including, amongst other things, cycle parking and a construction traffic / site traffic management plan.

The County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF or the County Council's 6C's document.

Residential Amenity

In terms of future residents' amenities, the site is located in close proximity to the Memorial Square crossroads which has the potential to result in significant noise to future occupiers. The application submission is not accompanied by a Noise Assessment. However, the Environmental Protection Officer considers that this matter could be dealt with by conditions to ensure that the amenities of future occupiers are not adversely affected by noise at the site.

The ground floor would be occupied by residential properties with ground floor windows facing High Street and Belvoir Road which has the potential to result in direct overlooking of habitable rooms from pedestrians. It would be necessary for suitable obscure glazing to these windows (or to the lower part of these windows) in order to protect the amenities of future occupiers.

In terms of impacts upon existing residents, the site is located in the town centre where the majority of surrounding properties are in commercial use. Whilst there are likely to be some flats at first floor level it is noted that the site falls within the Core Area of the town centre wherein a certain level of commercial activity would be expected. It is also noted that no objections have been in respect of the proposal from any surrounding occupiers.

It is, therefore, deemed that the development, subject to appropriate conditions, would not have any significant detrimental impact upon residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Ecology

In terms of ecological issues, the County Ecologist has no objection to the scheme given the urban location and does not consider that any planning conditions are required in order to make the scheme acceptable. Accordingly, the scheme is considered to have an acceptable ecological impact and would not conflict with the advice in the NPPF.

Affordable Housing

The proposal seeks to provide 100% affordable housing on this development. This clearly exceeds the Council's policy requirement to provide 20% affordable housing on sites within the Greater Coalville area providing 15 or more properties.

The size and location of the site is not suited towards family housing as there is insufficient space for gardens or car parking. The Council's housing register indicates that there is a high level of need for one bed two person properties in Coalville Town Centre. The property types proposed are those which would meet the highest priorities in Coalville and the scheme seeks to provide 14 affordable rented properties on this site, all of which would be one bedroomed two person apartments.

The completed properties would be owned and managed by East Midlands Housing Group, who have an established track record in delivering high quality affordable homes, and would be allocated through the Leicestershire Sub Regional Choice Based Lettings Scheme, which prioritises those households with an evidenced district connection. Given the prominence of the site in the centre of Coalville, the applicant has indicated that they would seek to apply a local lettings policy to increase the sustainability of the scheme to ensure that there is a mix of economically active tenants and also a mix of age groups.

The properties would meet the current Homes and Communities Agency space standards and Code for Sustainable Homes Level. It is also noted that the proposed development is close to all the main facilities in the town including shops, health centre, doctors, dentists and potential employment opportunities. Taking all of these issues into account the Strategic Housing Team strongly supports this development.

Developer Contributions

Leicestershire County Council has made requests for developer contributions in respect of library and civic amenity facilities, which the applicants have confirmed are acceptable. Given that the flats are one bedroom, there is no requirement for contributions in respect of education or children's play.

Other

No response has yet been received from Leicestershire County Council Archaeologist but any comments will be reported on the update sheet.

Conclusion

Strictly speaking, the scheme would not be compliant with Policy R4 of the Local Plan as it includes for a residential use at ground floor level within the town centre. However, given that the proposal would secure a new building for this derelict site which has been vacant for a number of years, would provide for much needed affordable housing and help to support the regeneration of Coalville it is considered that, on balance, the scheme would represent sustainable development and would be acceptable in principle.

Subject to suitable conditions, the proposed building is considered to be acceptable in terms of its impact on the visual amenity of the area and the character and appearance of the Conservation Area. The proposal is not considered to affect residential amenity in the area, conflict with highway safety, impact upon heritage assets, drainage, flooding or protected species. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION - PERMIT SUBJECT TO CONDITIONS AND SUBJECT TO SUITABLE MITIGATION OF LIBRARIES AND CIVIC AMENITY ISSUES;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing No. 40106/007B deposited with the Local Planning Authority on 15 October 2014;

Drawing No. 40106/009 deposited with the Local Planning Authority on 15 October 2014;

Drawing No. 40106/012B deposited with the Local Planning Authority on 15 October

2014;
Drawing No. 40106/013C deposited with the Local Planning Authority on 19 November 2014;
Drawing No. 40106/011A deposited with the Local Planning Authority on 15 October 2014;
Drawing No. 40106/014D deposited with the Local Planning Authority on 19 November 2014.

Reason - To determine the scope of this permission.

- 3 No development (excluding demolition) shall commence on site until precise details of a scheme of noise protection measures within the building has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure that the occupiers are adequately protected from traffic noise.

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no development (excluding demolition) shall commence on site until detailed plans/details/samples (as appropriate) of the:-

- a. bricks, brick bond, and mortar
- b. render
- c. roofing materials
- d. rain water goods
- e. windows, doors, rooflights and solar panels
- f. chimneys
- g. plaque/sign on the end gable
- h. any other external material

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be executed in accordance with that agreement.

Reason - To ensure that the works are executed in an appropriate manner and to ensure a satisfactory standard of design within the Conservation Area.

- 5 No development (excluding demolition) shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved by the Local Planning Authority.

Reason - To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.

- 6 Notwithstanding the submitted plan, prior to development commencing (excluding demolition) details for secure cycle parking provision within the site, shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be provided prior to any of the development being brought into use and thereafter be so maintained.

Reason - In the interests of the sustainability of the development and to encourage alternative transport choice.

- 7 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 8 No doors / windows on the High Street / Belvoir Road frontage on the ground floor shall open outwards.

Reason - In the interests of pedestrian safety.

- 9 No part of the development, its supports, or foundations shall be positioned in, on, over, upon, or within any part of the public highway.

Reason - In the interests of general highway safety including pedestrian safety.

- 10 Before development commences on the site (excluding demolition) a landscaping scheme shall first be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The scheme shall have particular regard to the treatment of the site boundaries.

Reason - To ensure satisfactory landscaping is provided within a reasonable period.

- 11 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To provide a reasonable period for the replacement of any trees.

- 12 No development shall commence on site (excluding demolition) until such time as details of the obscuring of ground floor windows to High Street and Belvoir Road have been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of that unit and shall thereafter remain in perpetuity.

Reason - To ensure that the occupiers are adequately protected from overlooking.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application

- stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development 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 2010 (as amended).
- 2 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.

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Development of up to 2700 dwellings, up to 2 Ha for a new local centre including up to 2000 sqm for A1, A2, A3, and A5 uses, up to 499 sqm for public house restaurant, up to 400 sqm for children's day nursery and up to 500 sqm for new medical centre; new primary school, on-site National Forest planting and areas of public open spaces, new bus routes and bus infrastructure and associated highways and drainage infrastructure. (Outline - all matters reserved)

Report Item No
A4

Land Off Grange Road Grange Road Hugglescote
Leicestershire

Application Reference
13/00956/OUTM

Applicant:
Bloor Homes, Davidsons Group, Harworth Estates And SECP
Ltd

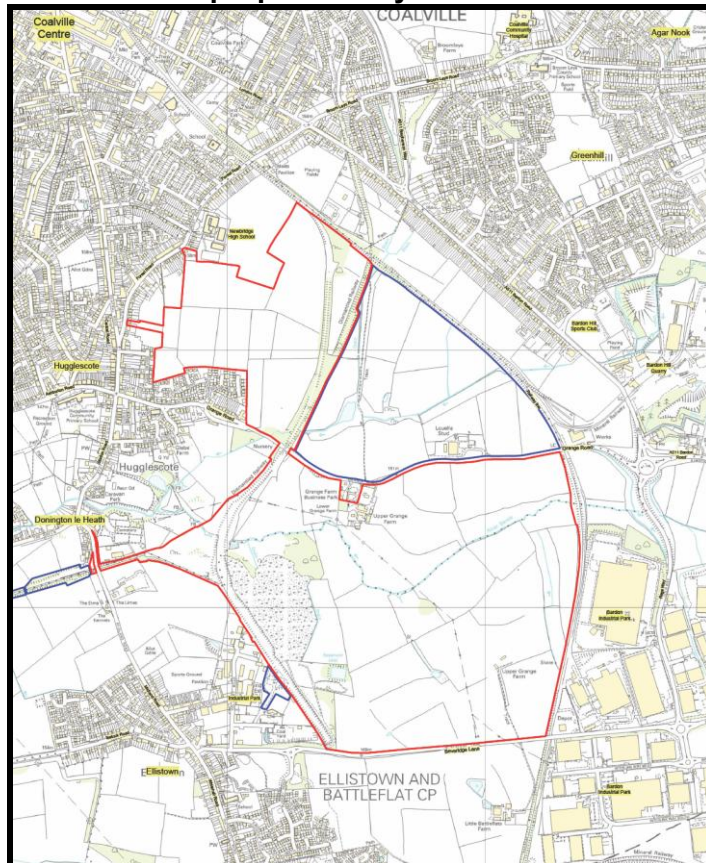
Date Registered
26 November 2013

Case Officer:
James Knightley

Target Decision Date
25 February 2014

Recommendation:
PERMIT Subject to a Section 106 Agreement

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 2,700 dwellings together with other uses including a new primary school and local centre, as well as associated highway works and infrastructure, green infrastructure, landscaping and public open space.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals (and including concerns raised by Hugglescote & Donington le Heath and Ellistown & Battleflat Parish Councils).

Planning Policy

The majority of the application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and, therefore, subject to Policy S3. A number of other site-specific policies are also applicable; these are set out in more detail within the main body of the report below.

Conclusion

The report below indicates that, whilst much of the site is a greenfield site outside Limits to Development, and whilst the proposed development would lead to the approval of a greater number of dwellings than the minimum identified in the Strategic Housing Market Assessment (SHMA), having regard to the site's general suitability for housing (including its proximity to the built up areas of Coalville, Hugglescote and Ellistown, and nearby employment areas), and the limited environmental impacts, the proposals would, overall, be considered to constitute sustainable development, and release of the site for the proposed development would be appropriate in principle.

Whilst access itself is a reserved matter, the proposed development has regard to the impacts on the wider highway network and includes for appropriate contributions to highways and transportation infrastructure. The proposed development would, it is considered, be able to be undertaken in a manner acceptable in terms of these issues, and there are no other technical issues that would indicate that planning permission should not be granted. Whilst the full range of developer contributions sought would not, for viability reasons, be provided (and including a full, policy-compliant contribution to affordable housing), having regard to the viability limitations affecting the development, an appropriate balance of contributions to infrastructure is considered to be provided for so as to mitigate the most significant impacts of the proposals on local facilities, whilst ensuring the development remains viable.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS; AND

THAT ANY SUBSEQUENT RESERVED MATTERS PLANNING APPLICATION(S) WILL BE DETERMINED BY THE PLANNING COMMITTEE

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, accompanied by an Environmental Statement, for the mixed development of a site of approximately 179 hectares to the south east of Coalville currently in a range of uses, and primarily agriculture. Whilst all matters are reserved for subsequent approval, a Development Framework plan has been submitted which shows:

- Up to 2,700 new dwellings
- A new 2 hectare local centre (including up to 2,000sqm for A1, A2, A3 and A5 uses, up to 499sqm for a public house / restaurant, up to 400sqm for a children's day nursery and up to 500sqm for a new medical centre);
- A new primary school;
- New footpaths and cycleways, including along the dismantled railway lines and the River Sence corridor;
- New bus routes and bus infrastructure;
- National Forest planting and areas of public open space; and
- Highway and drainage infrastructure

As set out above, the application is in outline with all matters reserved. However (and following amendment), the Development Framework plan indicates a number of routes serving the development and including vehicular connections to Grange Road, Forest Road and Beveridge Lane, together with additional pedestrian, bus and cycle links. In particular, the supporting information suggests that the proposed vehicular access arrangements would include:

- Two new accesses south of Grange Road to tie in with the accesses approved as part of the 800 dwellings north of Grange Road (planning permission ref. 12/00376/OUTM, and its subsequent Section 73 permission, ref. 13/00415/VCUM);
- A new access north of Grange Road to the east of the surgery;
- A new access off Wainwright Way to the north;
- Two new accesses off Beveridge Lane to the south; and
- Two new accesses off Forest Road to the west, one bus-only and one for all vehicles

The site is comprises two principal parcels:

- Land to the north of Grange Road (between the dismantled railway and Forest Road), principally in agricultural / grazing use, and also including dismantled railway routes; and
- Land to the south of Grange Road (between the dismantled railway in the west and the Leicester to Burton line to the east, and as far south as Beveridge Lane), primarily in agricultural / grazing use, but also including the spoil heap from the former South Leicester colliery, the disused railway line which served that colliery, and an area of rough marshland in the River Sence valley.

The Development Framework plan indicates significant areas of open space / National Forest planting, the largest areas of which are indicated as following the line of the dismantled railway (including its sections both to the north and south of Grange Road), adjacent to the Leicester to Burton line, and following the course of the River Sence which bisects that part of the application site south of Grange Road. As such, three distinct areas of built development are proposed: residential development within that part of the application site north of Grange Road; residential development south of Grange Road, between Grange Road and the River Sence (in effect forming a larger cluster of development with the southern section of the 800 dwelling scheme north of Grange Road (ref. 12/00376/OUTM)); and a larger area of both residential and non-residential development to the south of the River Sence, and including the proposed local centre and primary school etc. The western part of this southern section of the application site

(i.e. the area in the vicinity of the former South Leicester colliery) was the subject of three applications granted in May 2012; a full application for the erection of a unit for storage and distribution (B8) use with ancillary B1 office space, an outline application for the erection of storage and distribution (B8) units with ancillary B1 office space and industrial units (B2) with ancillary B1 office space, and a full application for associated ground engineering / earthworks (refs. 07/01108/FUL, 07/01112/OUT and 07/01119/FUL respectively).

In terms of phasing of the proposed development, the Environmental Statement indicates that it is proposed that the development would commence in the area closest to the existing urban area, off Wainwright Road. It is then anticipated that development would commence simultaneously to the south of Grange Road and to the north of Beveridge Lane. Development would also be expected to commence to the north of Grange Road, via the access near the existing surgery. The applicants advise that this phasing would enable provision of at least four housing sales outlets in differing locations, so as to facilitate construction and completion of the development as soon as possible. Insofar as the non-residential development is concerned, the proposed new southern local centre (including surgery) and primary school would be developed at around 10 years into the overall build programme. Prior to this, however, the application provides that it is intended to fund extensions to the existing Grange Road surgery and the proposed local centre and primary school proposed as part of the approved 800 unit scheme would also be expected to be delivered prior to this point.

Depending on market conditions and the number of sales outlets, it is anticipated that between 150 and 200 dwellings per annum would be expected to be built once the development has progressed beyond the first phase, and the overall construction phase would be expected to last for between 15 and 20 years.

2. Publicity

226 no neighbours have been notified.

Site Notice displayed 5 August 2014

Press Notice published 20 August 2014

3. Consultations

Hugglescote & Donington Le Heath consulted
 LCC Development Contributions consulted 30 July 2014
 County Highway Authority consulted 30 July 2014
 LCC/Footpaths consulted 30 July 2014
 Environment Agency consulted 30 July 2014
 County Archaeologist consulted 30 July 2014
 Highways Agency- affecting trunk road consulted 30 July 2014
 Department Of Transport Rail Group consulted 30 July 2014
 HM Railway Inspectorate consulted 30 July 2014
 Hugglescote And Donington Le Heath Parish Council consulted 30 July 2014
 National Forest Company consulted 30 July 2014
 Manager Of Housing North West Leicestershire District Council consulted 30 July 2014
 Head Of Street Management North West Leicestershire District consulted 30 July 2014
 NHS Leicester, Leicestershire And Rutland Facilities Management consulted 30 July 2014
 DEFRA consulted 30 July 2014
 Severn Trent Water Limited consulted 30 July 2014
 Natural England consulted 30 July 2014
 Ramblers' Association consulted 30 July 2014

Police Architectural Liaison Officer consulted 30 July 2014
 Airport Safeguarding consulted 30 July 2014
 NWLDC Footpaths Officer consulted 30 July 2014
 Head of Environmental Protection consulted 30 July 2014
 Head Of Leisure And Culture consulted 30 July 2014
 Development Plans consulted 30 July 2014
 NWLDC Urban Designer consulted 30 July 2014
 LCC ecology consulted 30 July 2014
 Transco north consulted 30 July 2014
 LCC Fire and Rescue consulted 30 July 2014
 Office Of Rail Regulation consulted 30 July 2014
 Network Rail consulted 30 July 2014
 National Grid UK consulted 30 July 2014
 Ellistown And Battleflat Parish Council consulted
 NWLDC Tree Officer consulted 30 July 2014
 Head of Environmental Protection consulted 12 December 2013
 NWLDC Urban Designer consulted 3 December 2013
 County Planning Authority consulted 3 December 2013
 Highways Agency- affecting trunk road consulted 3 December 2013

4. Summary of Representations Received

Ellistown and Battleflat Parish Council considers that the proposals represent such a large number of houses that they will transform Ellistown (and Hugglescote), and that a suitable level of infrastructure would need to be delivered at an early stage in the development, including a need for a purpose-built community centre in Ellistown. The Parish Council considers that the development should at least meet the minimum standard for green space provision, and should use the opportunity to ensure that the settlement meets, at the very least, the National Playing Fields Association's Six Acre Standard for outdoor playing space (and that neither the River Sence flood plain nor green space at any new local school should be included in this calculation). The Parish Council also considers that there needs to be more social and welfare provision including community facilities, medical facilities and dentists. The Parish Council is also concerned about the capacity of the Beveridge Lane bridge to cope with increasing amounts of traffic.

Environment Agency has no objections subject to conditions

Highways Agency has no objections

Hugglescote and Donington le Heath Parish Council advises that a further response will be provided once its Members have had the opportunity to consider fully the plans submitted. However, attention is drawn to previously made comments from 2012 in respect of the earlier application on land north of Grange Road (Bloor Homes scheme) when the following concerns were raised:

- No properties should be built on the site without the provision of a mitigating link road
- Roads in the Hugglescote area could be swamped by traffic unless realistic proposals are put in place to alleviate traffic congestion
- Impacts on Birch Tree island and Hugglescote Crossroads, both of which are already over-congested at peak times
- Junction improvements will be adequate to overcome problems
- Development could simply become a dormitory for Leicester commuters and do nothing

towards enhancing life in Hugglescote or the regeneration of Coalville Town centre

Leicestershire County Council Archaeologist had raised concern in respect of the original submissions; amended plans have been submitted in order to address these concerns and the County Archaeologist's final comments are awaited

Leicestershire County Council Education Authority advises that it requires the provision of a new primary school together with financial contributions towards the primary and high school sectors

Leicestershire County Council Library Services Development Manager requests a developer contribution of £146,740

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 Rights of Way Officer has no objections but advises that a number of rights of way are affected, and that diversions may be required

Leicestershire County Council Waste Management Authority requests a developer contribution of £176,526 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire Police raises objection on the grounds that the development would be unsustainable and does not assess crime, community safety and policing impact. A policing contribution of £952,050 is also requested.

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

National Grid advises that it has apparatus in the vicinity of the application site that may be affected

Natural England has no objections

Network Rail has no objections in principle, but seeks closure of level crossings in association with the proposed development, and / or contributions to improving safety at crossings

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £276,931.20

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

North West Leicestershire District Council Leisure and Cultural Services requests a leisure contribution of £971,500

Severn Trent Water has no objections subject to conditions

Third Party representations

8 representations have been received, raising the following concerns:

- Impact on local highway network, including in respect of Grange Road and the Hugglescote Crossroads
- Flooding
- Loss of village identity of Hugglescote
- Impact on wildlife
- Nothing in Coalville for people to move there for
- No need for a new health centre - existing one is underused
- No need for a new public house - existing ones closed in Hugglescote
- Insufficient school capacity
- Too many houses proposed in Coalville
- Insufficient affordable housing
- Loss of property value
- Noise / disturbance from proposed access

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

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 set out in more detail 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 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

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

"24 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in

town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

"26 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."

"28 Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings..."

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"38 For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties."

"47 To boost significantly the supply of housing, local planning authorities should:

- ...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of

housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."

"103 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..."

"109 The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

"112 Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

"118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...

...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"121 Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- adequate site investigation information, prepared by a competent person, is presented."

"123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"131 In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"135 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

"173 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."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

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

Adopted North West Leicestershire Local Plan (2002)

That part of the application site south of Grange Road falls outside of Limits to Development as defined in the adopted North West Leicestershire Local Plan. The remainder falls within Limits to Development. Save for the areas wherein the links to Forest Road are proposed to be provided, that part of the application site north of Grange Road is, as well as being within Limits to Development, allocated for residential development within the adopted Local Plan under Policy H4.

Policy S2 provides that development will be permitted on allocated sites and other land within the Limits to Development where it complies with the policies of the Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

As noted above, save for the areas wherein the proposed links to Forest Road are proposed to be provided, that part of the application site north of Grange Road is, as well as being within Limits to Development, 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).

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the

amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy E21 presumes against development which would result in a reduction in the physical separation between the built-up areas of adjoining settlements as identified on the Proposals Map.

Part of the site is also designated as a District level site of ecological importance under Policy E26 (although the area of the District level site is not as extensive as the E26 designation). Policy E26 states that development will not be permitted which could adversely affect sites of County and District ecological or geological interest, or Local Nature Reserves.

Policy E36 sets out the general approach to proposals for the reclamation and re-use of derelict land.

Policy E37 provides that the derelict site of the former Coalville-Hugglescote Railway will be reclaimed as a recreational trail with associated conservation interest and that the derelict site of the South Leicester Colliery Tip will be reclaimed by way of regrading and planting.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Policy T14 presumes against development which would be likely to impair the continuity of disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors.

Policy R1 provides that shopping and related development (such as financial and professional services and food and drink uses) will be permitted within Coalville and Ashby de la Zouch Town Centres, on allocated sites, and in existing or proposed local shopping areas. New retail development outside these areas will only be permitted where it can be shown that a number of criteria would be satisfied.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

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.

Key Principle 3 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.

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw

the Submission Core Strategy.

South East Coalville Development Brief

A Development Brief for the South East Coalville Strategic Development Area has been prepared by consultants on behalf of the developers' consortium with interests in the land in conjunction with the Local Planning Authority, and including input from other professional consultants, stakeholders and members of the local community, in order to inform the process of planning and development of land at South East Coalville.

The draft Development Brief was considered by the District Council's Cabinet at its meeting of 23 July 2013 where it was resolved that the production of the Development Brief for South East Coalville be noted, that regard be had to the Development Brief when negotiating on and determining planning applications in the South East Coalville Broad Location, and that the Development Brief form part of the evidence base for the [then] submission Core Strategy.

6. 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)).

In terms of the adopted North West Local Plan, significant areas of the site are either allocated for residential development under Local Plan Proposal H4g, or are outside Limits to Development. As noted under Relevant Planning Policy above, there are also some areas of the site which are neither within the residential development allocation, nor outside Limits to Development, and are simply within Limits to Development.

Allocated Site and Land within Limits to Development

Insofar as that part of the site subject to the allocation for residential development is concerned, Policy H4 provides that "The following sites, identified on the Proposals Map, are allocated for housing, subject to the specific requirements subsequently identified in respect of each site:

...(g) Grange Road, Hugglescote (89 ha; 450 units within the Plan period)..."

In detail, Proposal H4g provides that:

"Development of this site must be undertaken in a comprehensive and phased manner, which incorporates or secures the following requirements:

(i) The part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout, as shown on the Proposals Map;

(ii) Vehicular and pedestrian access to the site from that road;

(iii) A railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the road referred to in requirement (i) above;

- (iv) *A site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station referred to in requirement (iii) above;*
- (v) *A site for a new primary school;*
- (vi) *An appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway;*
- (vii) *A substantial landscaped belt along the Grange Road frontage of the site;*
- (viii) *Appropriate off-site foul and surface water drainage facilities; and*
- (ix) *Appropriate traffic calming measures on Dennis Street, Hugglescote.*

All requirements of this development, whether arising from the above or other policies of this Local Plan, should be provided at times and levels commensurate with the then number of dwellings constructed.

Within the Plan period, development of about 450 dwellings only will be permitted. All development, whether within or beyond the Plan period, should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, and outwards from the existing urban edge.

Otherwise than in respect of interim agricultural development, development for any purpose not directly related to the use of this site as a housing area will not be permitted."

Further information is contained within the explanatory paragraphs accompanying the policy. These provide as follows:

7.61 *This site lies within the National Forest, and is subject to the policies set out in Chapter 5.*

7.62 *Development of this site could not be contemplated before the road referred to in requirement (i) above is constructed, in view of the present unsatisfactory highway and traffic conditions on the existing A511 Bardon Road between the Birch Tree Roundabout and Coalville, and other existing roads in the area. Because of its poor cost/benefit ratio, that road is, however, unlikely to attract public funding within the foreseeable future.*

7.63 *Development of this site will result in the capacity of existing schools in the area being exceeded if additional accommodation is not provided for.*

7.64 *The Council will therefore seek, consistent with the tests set out in Circular 1/97, a financial contribution from the developer towards the costs of the A511 road scheme referred to in requirement (i) above, the railway station referred to in requirement (iii) above and the capital costs of the school referred to in requirement (v) above.*

7.65 *A development brief will be prepared to provide further detailed guidance on the development of this site. This will address, inter alia, the phasing and location of all development on the site, including both the above requirements and requirements arising from other policies of this Local Plan such as playing fields and amenity areas.*

7.66 *The site is visually contained within a number of ridge lines, and relates well to the existing built form of the area. In order to preserve this relationship, it is essential that development proceeds outwards from the present urban edge. The site is also of relatively low agricultural quality.*

7.67 *Development within the Plan period of more than 450 dwellings on this site would, when account is taken of all housing land across the District, result in allocations in excess of the level necessary to ensure compliance with Housing Policy 1 of the Adopted Leicestershire Structure Plan. It is considered that, when seen in the context of this site as a whole, the construction of 450 dwellings by the year 2006 will strike an acceptable balance between the costs and returns to the developer.*

7.68 *The site lies within the Ivanhoe Line Transport Choice Corridor. Provision of a railway station as an integral feature of the development will increase transport choice and as a result help reduce car commuting. It is also logical to site the proposed shopping centre and community facilities close to the railway station, both for users' convenience and to make them an integrated and focal part of the overall development scheme.*

Notwithstanding these provisions, however, the Inspector who determined the appeal in respect of a site at Lower Packington Road (decision issued in October 2014) took the view that, given that Policy H4 only provided for the District's housing needs up until the end of the Plan period (i.e. 2006), it was no longer up to date. As such, it may be appropriate to attach less weight to this policy. Having said this, however, the part of the site subject to Proposal H4g would, regardless, fall within Limits to Development, and this is not therefore considered to be critical as a determining factor in respect of assessing the suitability or otherwise of the site for residential development in principle.

Whilst within the area subject to Proposal H4g, the application only proposes development to the western end of that allocation (i.e. from the dismantled railway lines westwards), the eastern portion having been the subject of a separate outline planning permission granted in 2012 (ref. 12/00376/OUTM), and for which the first phase reserved matters have been approved. It is also noted that two parcels of land to the western end of the allocation are also excluded from the current application (land to the rear of properties on Forest Road and Peggs Grange).

In terms of the proposals' performance vis-à-vis the requirements of Proposal H4g (and bearing in mind the views of the Inspector who determined the Lower Packington Road appeal as to whether Policy H4 remains up-to-date), the following conclusions are reached:

Comprehensive and phased development

It is noted that this application is for only part of the wider allocation. As set out above, the eastern section of the allocation already has the benefit of outline planning permission for residential development. Insofar as the remaining parcels to the west are concerned, these are believed to be under separate control from the application site, and are not included within the application. However, based on the submitted Development Framework plan, there would not appear to be any overriding reason why approval of the current outline application would prejudice those remaining areas being brought forward in due course, although clearly availability of suitable routes into these parcels would need to be borne in mind when assessing any future reserved matters application(s) affecting the proposed site layout.

Provision of the part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville

Roundabout

As set out at the time that the application for the eastern portion of the allocation was considered, it is accepted that there is no longer any strategic highway case for the provision of a relief road for Bardon Road per se, albeit planning permission 12/00376/OUTM requires the provision of a vehicular link between that site and Bardon Road prior to occupation of 600 dwellings on that site, and further consideration of the need for that link in relation to the current proposals is given within the Means of Access, Highways and Transportation Issues section below. Regardless, however, it is noted that the route of the relief road promoted in the adopted Local Plan does not affect this part of Proposal H4g.

Provision of vehicular and pedestrian access to the site from the new road

The application proposes vehicular links between the eastern and western sections of the application although, as set out above, the route of the relief road promoted in the adopted Local Plan does not affect this part of Proposal H4g.

Provision of a railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the new road

This criterion does not affect this part of Proposal H4g.

Provision of a site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station

This criterion does not affect this part of Proposal H4g.

Provision of a site for a new primary school

This was provided for under planning permission 12/00376/OUTM. Further consideration of the current education proposals is given under Developer Contributions and Development Viability below.

Provision of an appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway

This criterion does not affect this part of Proposal H4g.

Provision of a substantial landscaped belt along the Grange Road frontage of the site

Whilst this is an outline application with all matters reserved, it is considered that the illustrative masterplan shows that an appropriately sized landscaped buffer would be achievable.

Provision of appropriate off-site foul and surface water drainage facilities

The scheme is considered to be acceptable in this regard; this issue is considered in more detail below.

Provision of appropriate traffic calming measures on Dennis Street, Hugglescote

None is proposed as part of the application; the wider issues in respect of the impacts on the local highway network are addressed later in this report. However, it is noted that no such measures have been sought by the County Highway Authority.

Compliance with Other H4g Requirements

Insofar as the requirement that, within the Plan period, development of about 450 dwellings only would be permitted is concerned, it is noted that the Local Plan period was to 2006.

In terms of the requirement that all development should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, and outwards

from the existing urban edge, it is considered that the development of this part of the overall allocation would be desirable having regard to the intentions of H4g, and would serve to address the concerns raised in respect of this issue when application 12/00376/OUTM was permitted.

Overall, in respect of the development of that part of the site subject to Policy H4 / Proposal H4g, it is considered that the proposals would, for the most part, not conflict with the overall aims and intentions of that policy and, where a departure from that policy would arise, no materially adverse impacts would result from the non-compliance.

Insofar as those parts of the site not within the H4g area but otherwise falling within Limits to Development are concerned, these are limited to the links to Forest Road and land to the western embankment of the dismantled railway where it abuts the South Leicester Industrial Estate.

Also relevant to allocated land or land within Limits to Development is Policy H4/1, however, and this is considered in more detail below.

Land outside Limits to Development

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3.

Notwithstanding the countryside location of this part of the site, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

In terms of the North West Leicestershire Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
- the latest urban capacity information;
- the need to maintain an appropriate supply of available housing land;
- lead times before houses will be expected to be completed and build rates thereafter; and
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of judgement. Insofar as the site's location is concerned, and whilst it is, for the most part, outside Limits to Development, it is considered to be well related to the existing built up area of the town.

In terms of the site's greenfield status, it is accepted that the site does not perform well insofar as the majority of it is not previously-developed. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

As per Policy H4, however, the Inspector who determined the appeal in respect of the site at Lower Packington Road issued in October 2014 also took the view that Policy H4/1 was no

longer up to date in that it adopts a sequential approach to development contrary to the provisions of the NPPF. Again, therefore, it may be appropriate to attach less weight to this policy.

Housing Land Supply and Limits to Development

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 appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, concluded that the Council's 5 year housing land supply calculation should be based on the "Sedgefield" approach (i.e. an approach requiring planning authorities to deal with any past under-supply within the first 5 years rather than to spread this over the whole plan period) an approach now expressly preferred in the recently published National Planning Practice Guidance, and thus even more likely to be favoured by appeal inspectors going forward. The Moira Road Inspector also applied a buffer of 20% for persistent under delivery. As such, Officers have recently been advising Members of the Council's inability to demonstrate a five-year supply of deliverable housing sites. The consequence of this has been that the Council's has not been able to rely on adopted Policies S3 and H4/1 in determining housing applications as they are "relevant policies for the supply of housing" for the purposes of Paragraph 49 of the NPPF which, Members are aware "should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

However, as reported to Committee on 8 July 2014, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed annual housing requirement. The approach used in the SHMA to establishing an Objectively Assessed Need (OAN) has recently been supported on appeal in respect of the site at Lower Packington Road issued in October 2014 and, based on the findings of the Inspector in respect of calculating supply, the District Council's latest housing supply trajectory indicates that, as matters currently stand, using the approach of an annualised requirement with a 20% buffer, the District is able to demonstrate a supply of 6.18 years.

As a result of the above Policy S3 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF - indeed this is a Development Plan policy to which the Council should again now properly have regard in determining future planning applications. Whilst the weight to be applied to this policy against other material considerations is a matter entirely for Members, officers would advise Members, in applying weight to any conflict with Policy S3 in the overall planning balance, to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006).

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development would ensure that the scheme would sit well in terms of the economic dimension. Whilst the role played by the proposed development in contributing to housing land supply and its inclusion of appropriate contributions to local services as detailed below would be positive aspects in terms of the social dimension, these factors also need to have regard to the issues in respect of affordable housing as considered in more detail under the relevant section of this report. In support of the

application and, in particular, its contributions towards both the economic and social dimensions, the applicants draw attention to the Leicester and Leicestershire Economic Partnership's Strategic Economic Plan (March 2014) and its five "flagship" proposals to deliver economic growth in the county (including the "Coalville Growth Corridor"). They comment that £4.64 million of Central Government funding has already been secured through the "Growth Deal" specifically for M1 and A42 junction improvements and to achieve the Coalville Growth Corridor objectives of 5,300 new homes and 25 hectares of employment land. South East Coalville is, they state, a fundamental component of this growth. In particular, and in addition to the developer contributions as set out in more detail later on in this report, they advise that the proposed development would deliver the indirect regeneration of Coalville town centre by way of increased economic activity worth £690 million, the creation of 4,050 construction jobs and 8,100 jobs in the supply chain, and a New Homes Bonus payment of around £14.5 million over six years. It is accepted that that the associated employment benefits that would arise as a result of the proposed development would assist in terms of its contribution to the economic and social strands of sustainable development. Similarly, the impacts of introducing new residents to the town a proportion of whom will, depending on the suitability of the linkages, use the services available within the town, assist in the regeneration of the town centre, with its associated benefits in terms of all three dimensions of sustainable development.

Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in the relevant sections below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up area and associated services, has the potential to perform well in terms of need to travel and the movement towards a low carbon economy subject to the provision of suitable pedestrian and cycle linkages to nearby services.

In terms of the proposed residential element of the development, it is considered that there is a strong case for permitting the development, particularly given the need to demonstrate (and maintain) a 5 year (plus buffer) supply of housing land and, as set out in this report, the scheme's overall positive contribution to sustainable development. In this regard, the weight to be attributed to the housing land supply issue needs to take into account the likely five year housing land supply contribution provided by the application; on the basis of the District Council's housing trajectory contained within the former draft submission Core Strategy, 100 units would be anticipated to be delivered by 2017/18, with a further 50 by 2018/19. Whilst the development would, overall, make a significant contribution to housing land supply by 2031 (the end of the Plan Period proposed under the now withdrawn Core Strategy and under the emerging proposed Local Plan), the weight to be attached to its contribution in terms of five year supply should, it is considered, be adjusted accordingly (although reference should also be made to the developers' anticipated delivery rates as set out under Proposals and Background above).

A further issue to be considered is the potential for the approval of 2,700 dwellings, when added to other approved developments in the District to, overall, lead to a greater number of dwellings being provided by 2031 than the figure established by way of the County-wide OAN / SHMA work. Whilst, for their part, the applicants consider the overall housing land requirement established by the SHMA to represent an under-estimate (given likely employment growth rates, for example), the overall OAN figure is not, necessarily, considered to be an overriding factor in this issue. Whilst, approval of the number of dwellings proposed could, when considered in the context of other approved developments in the District, lead to an "over-supply" vis-à-vis the OAN, the OAN figure is, in effect, a minimum requirement, and it is considered that the key issue is, rather, whether the development remains "sustainable" in NPPF terms.

The issue of housing land supply does not affect the associated non-residential development forming part of the proposals in the same way, although it is noted that there is an obligation to provide for the needs of business within the NPPF, and it is also accepted that, to a degree, much of the associated development is appropriate in principle, given the need to deliver such development in association with new major residential development.

In addition to falling outside of Limits to Development, a small section of the site west of Midland Road (including part of the route of a dismantled railway) is within an Area of Separation as set out under adopted Local Plan Policy E21). However, on the basis of the submitted Development Framework plan, no built development would be provided for within this part of the application site, so no material conflict with this policy would be likely to arise.

South Leicester Disposal Point

As noted above, the majority of the site is greenfield although a significant proportion (and including the South Leicester Disposal Point) is nevertheless previously developed. The illustrative details indicate that that part of the former disposal point falling outside of the flood plain would be developed as housing (with the remainder as green infrastructure).

In detail, Policy E37 of the North West Leicestershire Local Plan, which affects the south western area of the site in the section adjacent to the South Leicester Industrial Estate, provides that "The following derelict sites, identified on the Proposals Map, will be reclaimed for the purposes indicated:....

....(i) South Leicester Colliery Tip, Ellistown : regrading and planting."

General advice on the approach to derelict land is contained within Local Plan Policy E36.

This area of the site is the subject of extant planning permissions on a site of 29 hectares. The two principal permissions are a full permission for a single unit of 29,762sqm of B8 floorspace (ref. 07/01108/FUL) and an outline permission for a range of units comprising 4,480sqm of B2 floorspace and 17,920sqm of B8 floorspace (ref. 07/01112/OUT). The full permission expires in May 2015 and, in order to keep the outline planning permission extant, the reserved matters would need to be submitted by May 2015. An associated full permission granted at the same time also enabled the formation of a plateau for the approved schemes (ref. 07/01119/FUL).

Whilst these permissions would allow for the reclamation of the derelict site, it is not clear as to whether these permissions would be implemented. At the time those previous permissions were granted, the view was taken that, in the absence of conditions imposed on any minerals permission affecting the site, there was a significant prospect of the site remaining in its current condition. As such, notwithstanding the non-compliance with a literal interpretation of Policy E37, the lack of any ability to enforce the restoration of the former tip in line with Policy E37 was attached weight as a material consideration. In this regard, it is again considered that, notwithstanding the likely non-compliance with Policy E37 (i.e. given the nature of the proposals in this albeit outline application), this non-compliance would not be a significant concern which would otherwise indicate that planning permission ought to be withheld. Again, the view is taken that significant weight should be given to the potential benefits which would arise from the development insofar as restoration of the existing derelict site is concerned which could otherwise not be secured. Policy E37 also sets out requirements (subsection (a)) in respect of the former Coalville-Hugglescote railway, providing that it will be reclaimed as a recreational trail with conservation interest. It is considered that the proposed development would be broadly in line with this intention; attention is also drawn to the requirements of Policy T14 (considered in

more detail under Means of Access, Highways and Transportation Issues below.

A further issue arising from the redevelopment of the former disposal point for housing is that the previously approved employment development would no longer be delivered, thus not assisting the District in securing its required employment land. Whilst this would be unfortunate, it is not considered that this loss of a potential employment site would warrant a refusal of the application. It is also noted that the residual employment land requirements as identified in the former submission Core Strategy did not take this site into account as a committed site at that time, and hence the overall District-wide requirement would not increase as a result of any such alternative permission being granted for the site.

Conclusions in respect of the Principle of Development

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

A significant proportion of the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and, as such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development, and including Local Plan Policy S3, a policy designed to protect the countryside for its own sake.

It is also necessary to consider any other relevant material considerations, including the Government's current intentions in respect of the need to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF), and the current position in the District in terms of housing land supply. An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance (albeit regard also needs to be had to the extent of the contribution that this site would be likely to make within the next five years). In addition, the scheme would provide for growth within the Coalville area, bringing new residents into the town, and thus assisting, indirectly, in the regeneration of the town centre (and, accordingly, contributing to sustainable development in this regard also).

Overall, and for the reasons set out within this report, the proposed development of the site is considered to represent sustainable development, and to be acceptable in principle.

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application (and including those addressed within the Environmental Statement) is set out in more detail below.

Landscape and Visual Impact

The development has been assessed in terms of its landscape and visual effects both during and after construction. The Environmental Statement identifies the elements of the site and its surroundings that are important in terms of landscape resources and landscape character, and the extent to which these would be affected by the proposals. In terms of other evidence in respect of the landscape and visual impacts, it is noted that the District Council's Settlement Fringe Assessment, undertaken on behalf of the Council as part of its Core Strategy evidence

base, considered much of the application site, identifying that the southern part of the application site was a sensitive landscape, and that the landscape character had rural qualities with distinctive pockets close to the rivers. However, it noted that the landscape was very influenced by the large warehouse development at Bardon 21 and by the urban edge of Coalville and Hugglescote which was visible as an expansive settlement on higher ground. The Settlement Fringe Assessment indicated that the site had moderate potential to achieve mitigation in keeping with landscape character. In particular, it suggested that *"The land to the west of the disused railway could be developed with relatively few adverse effects on the wider landscape. Existing woodland along the railway embankments provides a strong screen and very little augmentation of this woodland would be required as mitigation. Land to the east of the railway is more sensitive particularly to the south of Grange Road and close to the approach to Hugglescote where development is generally not visible and the land has a slightly more rural character although Bardon 22 Industrial Estate is prominent. Views to the south of Grange Road are distinctive across rolling farmland with frequent trees. It would be difficult to retain this character if the land was developed as mitigation planting would also alter the character. In addition it would reduce the sense of separation between Coalville and Ellistown. Any development close to Bardon 22 would need advanced and established woodland planting to maximise screening prior to development taking place"*.

The Environmental Statement suggests that, notwithstanding the scale of the site, it has a relatively tight visual envelope which is defined broadly as follows:

- From the north, views towards the site are largely limited by the existing housing along Bardon Road and from the northeast, by the highways infrastructure of the A511 as the route crosses the rising lower slopes of Bardon Hill; Bardon Hill and Bardon Quarry also limit views from the north-east;
- From the south, views towards the site are limited by the southern edge of Ellistown and also by the existing landform and also extensive workings and buildings of the Ellistown clay pit;
- From the east, views towards the site are limited by the existing large scale units at Bardon 22 industrial estate; and
- From the west, views towards the site tend to be restricted by the combination of landform and settlement edge at Forest Road, Hugglescote and Ellistown.

Within this overall visual envelope the Environmental Statement indicates that there are variations in the degree of inter-visibility between areas and in the nature and extent of views.

In terms of mitigation, the Environmental Statement states that the design of the mitigation strategy has been led by landscape character and visual amenity, and has drawn on the preliminary appraisal of landscape and visual issues, and on the early identification of constraints and opportunities. It has also, it suggests, drawn on the opportunities and constraints identified for the site but in the context of the surrounding area, together with the responses received in respect of the EIA scoping request. The mitigation set out within the Environmental Statement includes:

- Retention of existing structural vegetation along the disused and existing railways and along the River Sence corridor;
- Inclusion of landscaping in the design of open spaces around the northern and eastern edges of Hugglescote;
- Retention of vegetation along the western part of Grange Road;
- Inclusion of green infrastructure along the key connections and in substantial areas of open space;
- The retention of the corridor of open land along the River Sence (including enhancements in terms of wetland areas and associated riparian trees);
- A linear belt of native tree and woodland planting along the edge of the Bardon 22

- industrial estate, including some irregular shaped edges and pockets of open grassland;
- High quality design of buildings within each area of the development proposal that respond to the local environment in terms of character, including materials, colour, articulation and fenestration and building heights and densities;
- Retention of the existing field pattern and boundary hedgerows in the framework of development compartments and retention of existing ponds and wetlands as features within public open space;
- Additional green infrastructure along key routes and connections, including buffer planting;
- Retention and enhancement of the tree and woodland belts associated with the dismantled railways and the River Sence corridor;
- Inclusion of areas of open space and tree planting throughout the scheme; and
- Inclusion of a strong and comprehensive network of green infrastructure throughout the development

The Environmental Statement considers the landscape and visual impacts on 20 receptors, assessing the impact, and taking into account the proposed mitigation. These viewpoints are located at a variety of positions both within and surrounding the application site, primarily from publicly accessible points, such as from roads or rights of way. The receptors assessed are as follows:

- Access land at Billa Barra Hill;
- Ivanhoe Way (A511 to Greenhill)
- Public right of way at Bardon Hill
- Warren Hills Road
- A511 (near Birch Tree roundabout)
- Public right of way at Bardon Road
- Scotlands Playing Fields
- Properties at Forest Road
- Public right of way north east of Hugglescote
- Properties at Hugglescote (east)
- Donington le Heath Manor House
- The Grange Walk (circular walk on local Public right of way) Snibston to Ellistown
- Public right of way south of Hugglescote and Millfield Recreation Ground
- Grange Road
- Public right of way north of Grange Road
- Public right of way between Grange Road and Beveridge Lane
- Ellistown (north-east)
- Ellistown (south-east)
- Beveridge Lane
- Public right of way south of Beveridge Lane

In terms of the impacts upon these receptors, these are predicted as follows (expressed in terms of magnitude / significance), and at three principal phases (namely during construction, following completion, and at 15 years following completion):

Construction Phase:

- Nil / No Effect 4
- Negligible / Negligible 3
- Negligible to Low / Minor Adverse 3
- Negligible to Low / Minor to Moderate Adverse 1
- Low / Minor Adverse 2
- Medium / Minor Adverse 1

Medium / Moderate Adverse 2
 Medium / Moderate to Major Adverse 2
 High / Major Adverse 2

Year 1 (following completion):

Nil / No Effect 4
 Negligible / Negligible 4
 Low / Minor Adverse 1
 Low / Minor to Moderate Adverse 3
 Low / Moderate Adverse 1
 Medium / Minor Adverse 1
 Medium / Moderate Adverse 1
 Medium / Moderate to Major Adverse 1
 Medium to High / Moderate to Major Adverse 2
 High / Major Adverse 2

Year 15:

Nil / No Effect 4
 Negligible / Negligible 5
 Negligible to Low / Minor Adverse 3
 Negligible to Low / Minor to Moderate Adverse 1
 Low / Negligible to Minor Adverse 1
 Low / Minor Adverse 1
 Medium / Moderate Adverse 2
 Medium to High / Moderate to Major Adverse 3

Whilst there would clearly be some adverse impacts both during and immediately following construction of the development, it is considered that, having regard to the scale of development and the need for the Local Planning Authority to permit developments of significant scale to continue to meet its ongoing housing land supply obligations and the overall position in respect of the site's sustainable development credentials, the impacts would not be considered to be unacceptably severe.

Insofar as the most severe landscape and visual impacts are concerned, however, these include the effects at the following receptors:

Properties at Forest Road:

This is a high sensitivity receptor which would, in terms of magnitude / significance, experience Medium / Moderate to Major Adverse effects during construction and Medium / Moderate Adverse effects at Year 1, but these would be reduced to Medium to Low / Minor Adverse by Year 15.

Public Right of Way north east of Hugglescote:

This is a high sensitivity receptor which would, in terms of magnitude / significance, experience High / Major Adverse effects during construction and at Year 1, but these would be reduced to Medium to High / Moderate to Major Adverse by Year 15.

Properties at Hugglescote (east):

This is a high sensitivity receptor which would, in terms of magnitude / significance, experience Medium / Moderate to Major Adverse effects during construction and at Year 1, but these would be reduced to Medium / Moderate Adverse by Year 15.

Grange Road:

This is a medium sensitivity receptor which would, in terms of magnitude / significance, experience Medium / Moderate Adverse effects during construction and Medium to High / Moderate to Major Adverse effects at Year 1, but these would be reduced to Medium / Moderate Adverse by Year 15.

Public Right of Way between Grange Road and Beveridge Lane:

This is a high sensitivity receptor which would, in terms of magnitude / significance, experience High / Major Adverse effects during construction and at Year 1, but these would be reduced to Medium to High / Moderate to Major Adverse by Year 15.

Beveridge Lane:

This is a medium sensitivity receptor which would, in terms of magnitude / significance, experience Medium / Moderate Adverse effects during construction and Medium to High / Moderate to Major Adverse effects at Year 1; these effects would remain at Medium to High / Moderate to Major Adverse by Year 15.

Clearly, the adverse landscape and visual impacts on these receptors would be undesirable, and these negative impacts need to be considered in the wider context of the proposed development's performance against the requirement to constitute sustainable development as set out in the NPPF and, in particular, its environmental dimension. However, when assessed in the overall balance of sustainable development, it is considered that, having regard to the overall limited adverse landscape and visual impacts, and the other benefits of the scheme in terms of other aspects of sustainable development, the impacts of these adverse landscape and visual impacts as identified in the Environmental Statement would not be so unacceptable as to indicate that planning permission should not be granted.

The application is also accompanied by arboricultural supporting information, including an Arboricultural Assessment assessing the condition of and implications upon a total of 214 individual trees and 65 groups of trees throughout the application site; none of the trees within the site are subject to a Tree Preservation Order (TPO). Whilst the application is in outline form at this time, the Arboricultural Assessment considers the likely implications on trees in the event that the development were undertaken along the lines of the submitted illustrative masterplan, and including the impacts from, for example, the proposed new access roads. The most extensive areas of tree removal are indicated as being towards the south western part of the site, in the vicinity of the former South Leicester Disposal Point, although it is noted that these are in any event identified as falling within Retention Category C (i.e. trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm). A further area of significant tree loss in the event the scheme were to take the form as shown on the submitted illustrative masterplan would be in the area of the vehicular link connecting the north western area of the site with land to the east (i.e. connecting the two parts of the H4g Local Plan allocation), and impacting upon sections of two groups following the former railway lines crossing the site (and within Retention Categories A and B); limited tree loss would occur in association with other proposed connections (and including those in respect of the proposed links to Forest Road). The Arboricultural Assessment suggests that the alignment of roads has been designed to minimise the tree losses and, where tree removals are necessary, the scheme has been designed so as to restrict the loss where possible to low quality specimens. The Arboricultural Assessment states that any development proposals of this scale are likely to require the removal of some trees due to the necessary infrastructure required, (including roads and drainage) and the necessity for the site to be viable for any prospective construction companies. The Arboricultural Assessment suggests that the removals required to accommodate the illustrative proposals would not be detrimental to the tree stock of

the area as a whole and, when taking into account proposed new planting, the tree stock in the area would be improved. The Arboricultural Assessment's conclusions in this regard are accepted in that it is considered that, were the scheme proposed at the reserved matters stage to be of the nature of the illustrative proposals, the overall impacts in terms of loss of trees would not, on balance, be unacceptable. No objections are raised by the District Council's Tree Officer in principle, although attention is drawn to the need to maintain aged or veteran trees, and the potential impacts in this regard are highlighted on the basis of the illustrative submissions. However, given that the application is in outline only at this stage, the detailed arboricultural implications would be a matter to be addressed in more detail as part of the reserved matters submissions and, in principle, there appears to be no reason why development of the site would necessarily result in unacceptable loss of vegetation.

Overall, it is accepted that, whilst a site of considerable size, by virtue of the topography of the surrounding area, it is not particularly visible from further afield, thus assisting in limiting the visual impact of the proposed development. When taking this into account, together with the proposed mitigation, it is considered that the landscape and visual effects of the proposed development would be acceptable.

Ecology and Biodiversity

The submitted Environmental Statement includes a detailed assessment of the ecological implications of the proposed development on various receptors of ecological value. In addition to the anticipated impacts, mitigation measures are also proposed.

Insofar as relevant Local Plan policies are concerned, it is noted that part of the site is designated as a District level site of ecological importance under Policy E26; this states that development will not be permitted which could adversely affect sites of County and District ecological or geological interest, or Local Nature Reserves.

Insofar as statutory designated sites are concerned, the Environmental Statement provides that there are no statutory designated sites within the site boundary, but that within 5km of the site there are 16 statutory designated sites, comprising four Country Parks, three Local Nature Reserves and nine Sites of Special Scientific Interest (SSSIs), the closest being the Donington le Heath and Snibston Country Parks, and the Bardon Hill Quarry SSSI; three of the statutory sites are located within 1km of the application site.

There are also no designated Local Wildlife Sites within 1km of the site, although several of the hedges in the local area (including a number of hedges within and bordering the site) are of Parish level nature conservation value and there are four potential Local Wildlife Sites within the site itself.

Insofar as assessing the nature conservation value of the site is concerned, having regard to its scale, the Environmental Statement assesses the value of each ecological receptor on a site by site basis, (both in terms of designated sites and protected species).

In terms of the various ecological features / habitat identified, the Environmental Statement provides that the supports semi-natural habitats including:

- Semi-natural wet-woodland
- Secondary woodland and thorn scrub (including Bramble scrub)
- Hedgerows and standard trees, including some species-rich field and road hedgerows;
- Species-rich unimproved mesotrophic grassland
- Wetter marshy grassland (mainly along the River Sence)

- Rough mesotrophic grassland
- The River Sence, ditches and ponds
- Swamp habitat
- Ruderal and tall-herb vegetation
- Bare ground with scattered vegetation associated with the coal spoil heaps
- Improved agricultural grassland and arable fields
- Neutral grassland

Of the habitats identified, the Environmental Statement suggests that the most important of these are the wet-woodland, secondary woodland along the dismantled railway, species-rich neutral grassland in fields adjacent to the dismantled railway and wetter grassland mainly along the River Sence.

Insofar as wildlife baseline conditions are concerned, the following findings are set out within the Environmental Statement:

Badger:

No active setts have been identified on the site but, as badgers are known to be present in the area, a further survey is recommended to ascertain whether any new setts have been built since the surveys. The Environmental Statement also suggests that the proposed habitat creation works would result in new Badger foraging areas and cover suitable for sett excavation.

Bats:

In terms of roosting, the Environmental Statement suggests that three buildings were found to contain evidence of use by roosting bats in the form of small numbers of bat droppings, and a further three buildings were considered suitable. The Environmental Statement states that surveys recorded only Common Pipistrelle bats and the activity throughout each night was sparse. Insofar as foraging is concerned, much of the habitat on site, (and, in particular, around the building groups, hedgerows, groups of trees and the river corridor) was found to be of potentially moderate value for commuting and foraging bats. Subsequent to the submission of the original Environmental Statement, an emergence survey has also now been undertaken.

Breeding Birds:

The Environmental Statement suggests that the site's breeding bird assemblage is typical of an area of mixed habitats in the midland lowland counties and that the species recorded of conservation concern were recorded in relatively low numbers and are of local significance.

Great Crested Newts:

Great Crested Newts were identified in four ponds, and the counts indicate a "medium" population in two of the ponds and a "small" population in the others.

Reptiles:

The surveys undertaken indicate a very low population of reptiles, including low populations of common lizard and grass snake.

Otter:

A single otter spraint was identified.

Others:

No evidence of water vole or white-clawed crayfish was identified.

In terms of effects upon the site, and taking into account proposed mitigation, the Environmental

Statement states that the main potential significant negative effect arising at a local level during the construction phase is the loss of habitat forming part of the Ellistown Tip and Railway Triangle candidate Local Wildlife Site. The Environmental Statement indicates that, although most of the areas which would be lost are bare ground with scattered vegetation, small areas of scrub and secondary woodland as well as rough grassland may be affected. In terms of site level impacts, the main significant negative effects are identified as land take (for roads / pedestrian routes etc), fragmentation of hedgerows, increased noise and lighting and an increase in the number of local residents using the non-statutory locally designated sites (i.e. potentially causing additional disturbance to wildlife and damage to habitats), loss of small areas of rough grassland, loss of commuting and foraging habitat for bats, loss of commuting, foraging and hibernation habitat for Great Crested Newts and potential severance to a range of riparian species including Otter due to pedestrian and cycle links.

Some positive impacts are also identified, including the treatment and removal of Japanese Knotweed from the site, preventing its spread into the botanically rich areas of habitat; and the creation of ponds and swales would, the Environmental Statement suggests, provide an additional pond resource on site and would for example provide additional Great Crested Newt breeding locations. It is also proposed to implement a Habitat Management Plan to ensure that the habitat retained and created would provide maximum biodiversity benefits in the long-term.

Natural England and the County Ecologist have been consulted in respect of the application and raise no objections subject to conditions. Natural England's advice primarily relates to green infrastructure potential, habitat creation and biodiversity enhancements, to which no objections are raised in respect of the proposals. Insofar as the County Ecologist is concerned, detailed comments in respect of the submitted documents (and subsequent supplementary supporting information) have been provided. In summary, and following liaison with the applicants' ecological consultants, the County Ecologist advises that, whilst not all of the findings of the Environmental Statement are necessarily concurred with, in the light of the findings of the additional survey work requested, the proposals are acceptable subject to conditions. The conditions recommended to be imposed include requirements for additional surveys and securing of the range of mitigation (including habitat management) measures forming part of the applicants' proposals.

It is noted that, whilst in outline, the Development Framework plan indicates that the proposals would be likely to lead to the redevelopment of much of the area identified under Local Policy E26. However, given the overall findings above, the existing condition of much of this Policy E26 area, and the overall contribution to biodiversity accruing from the proposals, it is considered that unacceptable harm to the identified Policy E26 site would not arise.

Under Regulation 53 of the Habitat Regulations 2010, activities which would otherwise contravene the strict protection regime offered to European Protected Species under Regulation 41 can only be permitted where it has been shown that the following three tests have been met:

- The activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- The favourable conservation status of the species in question must be maintained.

Whilst these tests would need to be applied by Natural England at the appropriate time in respect of any required licence submission, it is nevertheless considered appropriate to also have regard to them at this stage in respect of the planning process. In this case, it is considered that the tests would be met as (i) for the reasons set out under Principle of Development above, it is considered that the site needs to be released for the proper operation

of the planning system in the public interest; (ii) the works affecting the protected species would be necessary to enable the development to proceed in a logical / efficient manner; and (iii) the proposed mitigation measures would satisfactorily maintain the relevant species' status.

Subject to the imposition of suitably-worded conditions / Section 106 obligations (and including in respect of the proposed habitat management plan) therefore, the submitted scheme is considered acceptable in ecological terms, and would provide suitable mitigation for the habitat affected, as well as appropriate measures for biodiversity enhancement.

Historic Environment

The submitted Environmental Statement includes a detailed assessment of the archaeology and historic environment implications of the proposed development. The Environmental Statement indicates that the site itself does not contain any scheduled monuments, listed buildings or Conservation Areas, but there are Grade II and Grade II* listed buildings in the vicinity (including properties on Dennis Street, and the Church of St John the Baptist). The nearest Conservation Areas are at Donington le Heath and Coalville, and the nearest scheduled monuments at Snibston Colliery, Warren Hills, Kellam's Farm and Whitwick Castle. For those designated assets assessed, the Environmental Statement concludes that the development would have no more than an indirect negligible adverse impact; this conclusion is accepted.

In terms of non-designated heritage assets, a number of sites (including those of archaeological interest) are considered in the Environmental Statement, with the potential impacts on those assessed. In terms of these impacts, the Environmental Statement identifies a direct major adverse impact at a range of features, including Hugglescote Grange and a site containing potential prehistoric archaeological remains (including flint tools) and a dammed area east of Hugglescote Grange, the importance of which (as sites) is classified as "medium". Direct major adverse impacts are also predicted on a number of other non-designated heritage assets, but these are indicated as having a low or negligible level of importance as features.

The Environmental Statement provides that a total of 18 cultural heritage and archaeological assets would be impacted upon by the proposed development the unmitigated impact of which would vary from Neutral / Slight Negative to Moderate Large Negative. In terms of mitigation, the Environmental Statement provides that this would take the form of a post-determination field walking exercise, followed by a targeted archaeological evaluation and, depending on the results, a combination of archaeological excavation and / or an archaeological watching brief, to be followed by analysis of the findings and publication and dissemination of the results in line with archaeological practice. This, the Environmental Statement suggests, would have the effect of reducing the impact to a range from Neutral to Moderate Negative. The Environmental Statement suggests that the recording of archaeological and cultural heritage assets and the advancement of understanding would compensate for the loss of any assets and, insofar as the majority of the site is concerned, the recording of any potential archaeological and cultural heritage assets that may be present would lead to a residual adverse effect that would be Slight / Neutral.

Further to the originally submitted Environmental Statement, the County Archaeologist raised a number of concerns regarding the potential impacts on the archaeological interest of the area around Upper Grange Farm, given its interest and likely former use as a grange in the medieval period. In particular, concerns were raised regarding the impact on the remaining earthworks and former fish farming ponds; whilst some of these features were shown as being retained as part of the proposed public open space in this part of the site, others were not and the County Archaeologist was of the view that, if those retained were retained in isolation, they would have

maintained limited legibility (i.e. in terms of making it clear what the features' historical functions had been). Following the submission of the Environmental Statement addendum and associated amended Development Framework plan, this area of the site has been reconfigured (and including its associated SUDs features). Paragraph 135 of the NPPF provides that "In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". At the time of preparing this report, whilst the final, updated views of the County Archaeologist were awaited, he had indicated that he was minded to recommend approval subject to conditions based on the work put in to the design side of the scheme, and was content with the treatment of the buried archaeology, expecting a staged programme of mitigation commencing where necessary with an initial stage of trenching, but otherwise moving toward targeted mitigation by excavation; any formal comments subsequently received will, however, be reported on the Update Sheet. Subject to final confirmation of the County Archaeologist being satisfied, therefore, it would appear that the amended details address to a reasonable extent the concerns previously expressed and that, on balance, the illustrative scheme as proposed on the submitted amended Development Framework plan would represent a reasonable compromise in terms of the appropriate protection of these heritage features, and would, therefore, accord with the approach to determination as set out in the NPPF.

Overall, in respect of heritage issues, whilst still outline, there would appear to be no overriding reason why the proposed development could not be designed in a manner so as to maximise retention of features of interest and, on this basis, is considered acceptable in heritage terms, subject to appropriate layout solutions being proposed at the reserved matters stage(s).

Means of Access, Highways and Transportation Issues

As set out in the introduction above, the application is in outline with all matters reserved. However, and as set out under Proposals and Background above, the submitted Development Framework plan indicates a range of accesses into the site, including vehicular accesses from Grange Road, Wainwright Way, Beveridge Lane and Forest Road. The Development Framework plan also includes a network of routes within the site (and including for its connection to the eastern part of the Proposal H4g land (i.e. that section subject to planning permission ref. 12/00376/OUTM)).

The submitted Environmental Statement (and addendum, reflecting the proposed introduction of the second Forest Road access (at no. 104 Forest Road)) includes consideration of transportation issues, and incorporates a Transport Assessment and Travel Plan. Whilst access is a reserved matter, the Environmental Statement nevertheless indicates that the development would include the following measures:

- New footways and shared footways / cycleways throughout the site to tie into the existing and new facilities surrounding the site, including the public rights of way
- New bus stops within the site
- Two new site access roundabouts on Beveridge Lane
- Amendments to Grange Road to provide access into the development site, including two new priority controlled ghost island junctions, a new roundabout access junction, and the introduction of a ghost island facility at the existing Grange Road / Wainwright Road junction
- A financial contribution through the Section 106 agreement towards infrastructure improvement schemes (i.e. in accordance with the District Council's transportation infrastructure contributions strategy)
- Improvements at the Ellistown double mini-roundabout to increase junction capacity
- Travel Plan measures for residents to encourage travel to and from the site by

sustainable modes of transport, including the provision of two free six month bus passes per household

Local Highway Network

As set out in the summary of representations above, the County Highway Authority has not raised objection to the application, subject to conditions and a range of planning obligations. Its views are set out in more detail below.

The County Highway Authority has reviewed the submitted Transport Assessment and supplementary information and confirms that it is content with the conclusions drawn from these documents. In terms of the Transport Assessment, the County Highway Authority advises that it has been prepared following extensive discussions with the County Highway Authority at pre-application stage. Whilst, with proposals of this scale, the County Council advises that it would normally require the proposals to be tested through the Leicester and Leicestershire Integrated Transport Model (LLITM), given that extensive testing had already been undertaken for the site as part of the earlier Core Strategy work in association with the District Council, the County Council confirms it has been content to accept a LLITM-based distribution to determine the impact of the proposed development, and that an assessment year of 2031 was agreed with the County Council. The County Highway Authority clarifies, however, that the LLITM work undertaken to form the basis of the development distribution has taken into account the delivery of the Bardon Link Road (also known as the "punch through"), which is considered to be committed infrastructure as it is associated with a Grampian condition on a committed development; this is a reference to the outline planning permission granted for the erection of, amongst others, 800 dwellings on the site to the north of Grange Road (12/00376/OUTM) which is subject to a condition preventing the occupation of more than 600 of those dwellings until such time as a link connecting that site to Bardon Road / Stephenson Way has been provided.

Junction Capacity:

The County Highway Authority notes that the Transport Assessment has tested the impact of the development, as well as committed development and background growth, at 11 junctions in and around Coalville, and at Junctions 22 and 13 of the M1 and A42 respectively for a 2031 assessment year. The starting point for testing has been the improvement schemes identified through the earlier Coalville Transport Study, which forms the basis of the District Council's transportation infrastructure contributions strategy. The County Council accepts that the applicants' transport consultants have demonstrated that development traffic and future growth can be accommodated within the improvement schemes, and notes that, where appropriate, alternative schemes have also been identified by the applicants' consultants given the benefit of additional information since the Coalville Transport Study was undertaken. The County Highway Authority makes clear, however, that improvement schemes identified in the Coalville Transport Study or by the applicants' consultants are not definitive, but are, rather, indicative of potential measures which would be an appropriate form of mitigation. In addition to the schemes identified through the District Council's transportation infrastructure contributions strategy, improvements are also proposed at the Beveridge Lane / Midland Road / Ibstock Road / Whitehill Road junction (the Ellistown double mini-roundabout).

Insofar as the various junctions considered are concerned, the County Highway Authority's advice is as set out below. The County Highway Authority caveats its advice, however, in that it notes that congestion levels and any forecasts are made in the context of the wider planning application situation at the time of assessment and are, therefore, likely to change.

M1 Junction 22:

The impact of development has been demonstrated to be material. The recent Leicester and Leicestershire Growth Deal announcement has secured funding to enable improvements at this junction to be delivered in 2015/2016. The CHA [County Highway Authority] therefore does not have any concerns over the junction impact in advance of the improvement works, which will now be delivered in the short term.

A42 Junction 13:

The impact of development has been demonstrated to be material. The recent Leicester and Leicestershire Growth Deal announcement has secured funding to enable improvements at this junction to be delivered in 2016/2017. The CHA therefore does not have any concerns over the junction impact in advance of the improvement works, which will now be delivered in the short term.

A511 Flying Horse roundabout (A511 / B591):

The impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. Analysis undertaken in the current planning application context suggests that the junction will be operating over capacity in 2022.

A511 Stardust roundabout (A511 / Beveridge Lane):

The impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. Analysis undertaken in the current planning application context suggests that the junction will be operating over capacity in 2030.

A511 Birch Tree roundabout (A511 / Grange Road):

The impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. Analysis undertaken in the current planning application context suggests that the junction will be operating over capacity in 2023.

A511 Bardon Road/Stephenson Way roundabout:

The impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. Analysis undertaken in the current planning application context suggests that the junction will be operating over capacity in 2022. It should be noted that with the delivery of the Bardon Link Road, which also forms part of the NWLDC Contribution Strategy list of schemes, the Bardon Road/Stephenson Way roundabout will be replaced by a four-arm junction arrangement.

A511 Broom Leys crossroads:

The Broom Leys crossroads is already operating at capacity and the impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'.

A511 Whitwick Road roundabout:

The A511 Whitwick Road roundabout is already operating at over capacity and the impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive

mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'.

A511 Thornborough Road roundabout:

The A511 Thornborough Road roundabout is already operating at over capacity and the impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'.

A511 Hoo Ash roundabout (A511 / Swannington Road):

The A511 Hoo Ash roundabout is already operating at over capacity and the impact of development has been demonstrated to be material. As a junction covered within the North West Leicestershire District Council Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'.

Hugglescote Crossroads:

Hugglescote crossroads [is] already operating at over capacity and the impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'. It should be noted that the CHA is currently developing a scheme for delivery in the short term and that until such a scheme is delivered, the first phase of the Bardon Link Road will be a critical point in managing congestion at Hugglescote crossroads. [In this context, it is noted that a report was considered by Leicestershire County Council's Cabinet on 19 November 2014 where it was reported that Hugglescote Crossroads experiences congestion at peak times and that additional traffic, as the result of both background and housing development growth, are expected to increase this congestion and significantly impact upon journey times. A number of potential options for the reconfiguration of the junction were considered by the County Council's Cabinet, and it was resolved to undertake consultation on options for a potential improvement scheme with a view to reporting the outcome of the consultation to Cabinet in the summer of 2015.]

Ellistown double mini-roundabout:

Ellistown double mini-roundabout is already operating at over capacity and the impact of development has been demonstrated to be material. As improvements to this junction are considered to be a localised effect of this particular development proposal, mitigation is recommended to be sought over those already secured under the Contribution Strategy. The development framework and the location of the Ellistown double mini-roundabout in relation to the Application site means that the impacts at the junction are unlikely to be significantly and materially felt until the southern section of the site is developed. Given the likely build-out time frame the CHA considers it to be more appropriate to condition the development of the portion of the site closest to the Ellistown double mini-roundabout rather than seeking contributions towards a scheme which is unlikely to materialise for several years, during which the planning context, and the required scheme, may change.

Beveridge Lane / Reg's Way roundabout:

The TA [Transport Assessment] has demonstrated that the Beveridge Lane / Reg's Way roundabout will continue to operate within capacity with the development and in future assessment years. Therefore, no mitigation is required by the CHA.

Transportation Infrastructure Contributions Strategy and Prioritisation of Schemes

As set out above, and in accordance with the approach set out under the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, it is the applicants' intention to provide for mitigation of the development on the wider highway network by way of making an appropriate contribution towards the District Council's transportation infrastructure contributions strategy.

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 (and as referred to above by the County Highway Authority in its comments on the identification of schemes, and including those set out within the Coalville Transport Study); 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. In this case, the applicants propose to make a contribution of £12,960,000 (which, for the purposes of comparing with the potential range of contributions as set out in the Cabinet report, equates to £4,800 per dwelling). Given the approach above, the view is taken that, should any contributions not subsequently be necessary / used for transportation infrastructure improvements, the remaining monies should be directed towards additional affordable housing; attention is also drawn to the subsequent discussion of this issue under Developer Contributions and Development Viability below.

In terms of the priority for the use of this contribution towards transportation infrastructure, Leicestershire County Council recommends that contributions to be put towards improvement schemes in the following order:

- M1 Junction 22
- A42 Junction 13
- Broom Leys crossroads
- A511 Hoo Ash roundabout
- A511 Whitwick Road roundabout
- A511 Thornborough Road roundabout
- Hugglescote Crossroads
- Bardon Link Road (and including improvements to the Bardon Road / Stephenson Way junction)
- A511 Flying Horse roundabout
- A511 Birch Tree roundabout

- A511 Stardust roundabout

In terms of the ability of the contribution to be paid in respect of this particular application, the County Highway Authority advises that, based on whole cost estimates undertaken by the County Council, it is envisaged that the following improvements could be funded in full by the contributions received in respect of this application:

- Broom Leys crossroads
- A511 Hoo Ash roundabout
- A511 Whitwick Road roundabout
- A511 Thornborough Road roundabout
- Hugglescote Crossroads

Contributions could also, the County Council suggests, be put towards the next item on the list (i.e. the Bardon Link Road). [NB This list is based upon the applicants' earlier proposal to make a transportation contribution of £13,500,000; as discussed in more detail under Developer Contributions and Development Viability below, an updated viability assessment has recently been submitted by the applicant incorporating a reconfigured distribution of funding designed to allow for increased affordable housing contributions. Clearly a reduction in the sum allocated to transportation would enable the delivery of less extensive mitigation measures in this regard but, given the limited overall level of resources available, consideration needs to be given to how best to balance that whilst still ensuring that the Local Planning Authority remains satisfied that the development, overall, is sustainable. Whilst, ideally, increased funds would be available for transportation infrastructure so as to cover all potential mitigation measures, an appropriate balance needs to be reached between this and other expense, whilst seeking to ensure that the development remains both viable and sustainable.]

The County Highway Authority points out that in practice, of course, traffic impacts from other developments will also influence the operation of the affected junctions, and contributions from other developments in the area have also been (and continue to be) sought. Therefore, although the County Highway Authority makes the above recommendations for the allocation of funds in relation to this specific development, there will, the County Council notes, nevertheless be impacts elsewhere which, cumulatively, need to be addressed. In accordance with the approach suggested by the applicants, and as contributions from this development will be sought in a phased manner, they should, the County Council considers, be directed towards whichever undelivered scheme is considered to be of the highest priority at the time of payment, having regard to which other developments which are likely to be delivered. In this regard it is considered that the relevant Section 106 obligations need to be framed in such a way so as to ensure that a flexible mechanism of allocating contributions can be achieved whilst meeting the tests of the Community Infrastructure Levy (CIL) Regulations 2010. The applicants' legal advisors are content that the approach suggested would meet the relevant legislative requirements, and it is noted that this is similar to approaches used recently elsewhere in respect of Section 106 agreements entered into in the Coalville area. On this basis, officers are satisfied at this time that the relevant CIL tests would be met, although the continuing advice and input of the District Council's Legal Team would be provided as any Section 106 agreement was progressed.

Overall in terms of the impacts on the wider highway network (and, in particular, on affected junctions within the Coalville area), it is accepted that the means of mitigation proposed (i.e. contributions towards the District Council's transportation infrastructure contributions strategy) would provide for a reasonable and proportionate means of enabling the County Highway Authority to address impacts associated with this scheme (along with other developments in the area) in accordance with an identified, comprehensive, priority hierarchy which, otherwise, is

unlikely to be achievable (particularly given the cumulative impacts of this and other developments) in isolation. Subject to the payment of the contribution proposed, therefore, the proposals are considered acceptable in this regard.

By virtue of the process of identifying an order of priority for improvements, it is inevitable that some mitigation projects will be delivered later than others. Insofar as this issue is concerned, and whilst they are content for the County Highway Authority to identify what it considers is the most appropriate order of improvement delivery, the applicants have undertaken sensitivity analysis assessing the likely impacts in the event that the Bardon Link Road / "punch through" is not delivered at an early point in the process. In brief, this indicates that, in practice, and when having regard to certain other assumptions including the provision of the indicated access at no. 104 Forest Road, the whole of the development currently proposed could be delivered in highway capacity and connectivity terms without requiring the provision of the Bardon Link Road. Having said this, however, the County Highway Authority has assessed the application (and prepared its priority list of mitigation measures) on the basis of the submitted Transport Assessment and Environmental Statement which assume the Bardon Link Road would be provided. As such, it is considered appropriate, at this stage, for the Bardon Link Road to be included on the list of mitigation measures, albeit its position on the hierarchy may need to reflect the stage at which it is delivered having regard to, not only this development, but also others similarly contributing to it through the District Council's transportation infrastructure contributions strategy. In addition, and particularly given the long build programme for a development of this scale, it would seem likely that, over that period, the County Highway Authority will continue to review and reassess what transportation mitigation measures are required to address traffic growth in the town. In such circumstances, it is conceivable that, over this period, further testing may indicate that alternative measures to those listed above (and, in particular, those currently identified as being of lower priority) would be more appropriate. If this were to be the case, then there is potential for specific projects (and including, for example, the Bardon Link Road) to be revisited in the future as to their continuing appropriateness. However, at this stage, the view is taken that the priority of mitigation measures identified would be the most appropriate, although the drafting of the Section 106 agreement in a flexible manner would enable Leicestershire County Council to keep such matters under review, and to direct funding spent in the future towards mitigation of what, at that time, was considered to be the most pressing issue.

Site Access (including Internal Layout)

As noted above, access (which, under the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) includes "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network") is a reserved matter. Nevertheless, the County Highway Authority notes that the submitted Transport Assessment has considered this matter and, on the basis of its conclusions, the County Highway Authority is content that the applicants have demonstrated that, in principle, an acceptable form of access would be achievable at the reserved matters stage(s).

In addition, however, and notwithstanding the above position, Leicestershire County Council considers that, in the interest of accessibility and connectivity to the town centre (and to support public transport penetration through the site), vehicular access is required at the following locations:

- Forest Road
- Bardon Link Road
- Grange Road

- Beveridge Lane

Whilst this position is noted, it is not, at this stage, considered by officers that linkages at all of the above locations would necessarily be required. It is agreed that it will be absolutely necessary for any reserved matters scheme to demonstrate that appropriate accessibility and connectivity to the town centre would be provided by the means of access proposed and, similarly, it is also concurred that, in order to ensure the development is sustainable, good public transport links to all residents (and connecting to the proposed non-residential uses, as appropriate) are essential (and, in practice, particularly having regard to the scale of the site, this will inevitably mean that the proposed means of access will need to be suitably designed and located so as to allow appropriate public transport penetration through the site).

Notwithstanding its position on the necessity of the access points listed, however, the County Highway Authority nevertheless accepts that it is not the case that alternative access proposals would not necessarily also be acceptable, although advises that reconsideration of the development distribution, and hence its impact on junction capacity and connectivity, would need to be undertaken if the site access locations were altered in principle. This, the County Council advises, is because the LLITM derived distributions for the development has assumed accesses at the locations listed above and any changes to the access proposals may result in strategic and significant changes to the distribution which are only likely to be identified through re-testing in LLITM. As such, the view is taken that whilst, on the basis of the submitted information, and the assumptions made in running the LLITM model, access points in the locations listed above would appear to be required, access is nevertheless a reserved matter and, subject to any alternative proposals put forward at the reserved matters stage being tested robustly, alternative options could, potentially, also be considered (albeit subject to consideration of any implications under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011). In recognition that reserved matters approvals relating to this scheme will be of such significance, it is proposed now that any subsequent reserved matters application would be determined by Planning Committee rather than a delegated decision.

Insofar as the County Highway Authority's comments on the indicative internal layout are concerned, the County Council considers that, whilst the internal layout would be addressed at the reserved matters stage, this is a material consideration in terms of providing accessibility and connectivity through the whole of the site. In particular, the County Highway Authority comments, a continuous link through all sections of the site would be critical in ensuring public transport penetration and accessibility to Coalville town centre. Without a continuous link, the County Council suggests, the development risks becoming a piecemeal collection of smaller development parcels and would be likely to result in additional vehicle movements on the wider network, which may have an unacceptable impact. The County Highway Authority highlights that the Transport Assessment has assessed a situation which assumes that development traffic will use the most appropriate access location based on the intended destination and the opportunity to do so can only be realised if a continuous link road through the site is provided. The County Highway Authority notes that the applicant has identified that land at no. 104 Forest Road could provide an additional point of access to the site, and the County Highway Authority indicates that it would be keen to see a public transport route through the site either via the Bardon Link Road or Forest Road. It is again accepted that these are valid concerns, and need to be appropriately addressed as part of the reserved matters submissions.

Public Transport

The supporting documents include a bus strategy which sets out proposals for enhanced bus service provision, and at different stages of the proposed development, having regard to what access points are delivered, and when. A range of measures are proposed, and including

having regard to measures proposed in respect of the site to the north of Grange Road (i.e. planning permission 12/00376/OUTM), and the recently permitted employment development scheme on land to the south of Beveridge Lane (13/00249/OUTM). The strategy indicates that all new residents would be within 400m walking distance of an hourly bus service; compliance with this requirement would, it is considered, be essential in ensuring the development constitutes sustainable development.

For its part, the County Highway Authority advises that it has reviewed the Public Transport Strategy and is content with the proposals put forward. The County Highway Authority expects that on site infrastructure would be delivered as part of the development and would be detailed in subsequent reserved matters applications. Bus stops are, the County Council advises, required to have a shelter, raised kerbs and associated infrastructure for real-time information. The County Council also notes that off-site improvements would be delivered as part of the District Council's transportation infrastructure contributions strategy.

Travel Plan

The County Highway Authority confirms that the submitted Framework Travel Plan has been reviewed and is considered acceptable. The County Council states that it expects that subsequent reserved matters applications will be supported by a plot specific Travel Plan, and that these will be appropriately scoped for residential and school purposes. Travel Plan contributions are sought by Leicestershire County Council under the current application for a Travel Plan Co-ordinator, iTrace monitoring fees, travel packs and bus passes.

Transportation Contributions

Having regard to the above, the mitigation proposals required by the County Highway Authority (and sought as Section 106 contributions) are as follows:

- A Construction Traffic Routing Agreement to be submitted to and approved in writing by Leicestershire County Council
- One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (which can be provided through Leicestershire County Council at a cost of £52.85 per pack per dwelling if required)
- 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 from first occupation (which can be provided through Leicestershire County Council at a cost of £350.00 per pass if required)
- Appointment of a Travel Plan Co-ordinator for a period to 5 years after completion of the development to ensure effective implementation and monitoring of the site wide Travel Plan submitted in support of the planning application;
- A contribution of £11,3370 towards iTrace monitoring (transportation monitoring software for monitoring the effectiveness, cumulatively, of Travel Plans)
- A contribution towards improvements to the wider highway network in Coalville as considered appropriate by North West Leicestershire District Council (i.e. in accordance with the District Council's contribution strategy)
- Phasing and Review Programme

It is accepted that the range of contributions sought would meet the relevant CIL Regulations and NPPF tests. Insofar as the final item above (Phasing and Review Programme) is concerned, the County Highway Authority seeks the imposition of planning obligations requiring submission of a Phasing and Review Programme at 500 dwelling intervals, and assessing items such as site access, major internal infrastructure, scope and timescale for the implementation of off-site highway infrastructure, delivery of public transport services and procedures for

addressing any required stopping up, diversion or re-classification of Public rights of way. It may be the case that some of these matters will be addressed by way of the various reserved matters proposals but, nevertheless, and given the scale and likely build programme of the proposed development, it is considered appropriate that some form of mechanism allowing for ongoing review be secured, and subject to the detailed advice of the District Council's legal advisors through the Section 106 drafting process. It is also considered that, as set out within the recommendation below, a condition should be imposed requiring the approval of a vehicular access strategy as part of the first reserved matters application. The applicants suggest that this matter could be addressed by way of planning condition rather than obligation. As matters stand, having regard to the range of issues proposed to be covered (and their relationship to other legislation), and the potential requirement for review and mitigation (and the as yet unknown aspects of what measures may be necessary), it is officers view that an obligation would be the more appropriate mechanism. However, should the District Council's legal advisors take the view during the Section 106 drafting process that a condition would be acceptable, it is recommended that appropriate changes to finalised conditions / obligations be made as applicable.

Strategic Highway Network

As referred to by Leicestershire County Council under the assessment of the impacts on the local highway network above, the proposals are considered to impact upon the strategic highway network as well and, in particular, upon Junctions 22 and 13 of the M1 and A42 respectively.

The application has been assessed by the Highways Agency; the Agency comments that, without the required infrastructure schemes being in place, this development would give rise to unsatisfactory impacts on the Strategic Road Network. However, further to the announcement on the Leicester and Leicestershire LEP Growth Deal 2014 and the consequent expectations for scheme delivery at M1 Junction 22 and A42 Junction 13 by Leicestershire County Council, the Agency is content that there is a commitment to the delivery of improvements at these junctions by the County Council using Growth Deal funding. The Highways Agency therefore raises no objection to the proposals, although expresses its expectation that the mitigation measures should be secured having regard to the provision of developer contributions through the District Council's transportation infrastructure contributions strategy.

As such, subject to the applicants contributing towards the necessary mitigation via the transportation infrastructure contributions strategy, the Highways Agency is satisfied that any impacts would be satisfactorily addressed. As set out above, it is expected that this mitigation would be delivered at an early stage, and this is reflected in the County Council's suggested priority order for mitigation.

Pedestrian and Cycle Routes and Public Rights of Way

In terms of the accessibility of the site generally, this is considered in more detail above under Principle of Development. Whilst not part of the access proposals submitted at this outline stage, the Development Framework plan indicates that non vehicular links to adjacent land and within the site would be anticipated at the reserved matters stage, and that the existing lines of various rights of way could be affected, including footpaths N50, N52, N53, N54, N55, N56, N85 and N86. Whilst all means of access are reserved (and any accesses, vehicular or pedestrian, would therefore need to be subject to a reserved matters application(s)), it is considered that the information submitted indicates that, in principle, a suitable range of non-vehicular connections could be provided both within the site and connecting the various areas of development to

adjacent land. In terms of the various existing rights of way crossing the site, Leicestershire County Council's Rights of Way Officer has provided advice on the likely requirements of the County Council in terms of appropriate treatment of those routes (whether retained on their existing line, or diverted). At this outline stage, however, there appears no reason in principle why the development could not provide for appropriate alternative rights of way if the reserved matters proposals would necessitate the extinguishment / diversion of existing rights of way crossing the site. Should this be the case, any application to stop up / divert the affected rights of way 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. Similarly, regard will also need to be given at the relevant reserved matters stage as to the amenity impacts on rights of way, whether retained on their existing lines or diverted.

Also relevant to this application are the provisions of Policy T14 of the adopted Local Plan. This policy presumes against development which would be likely to impair the continuity of disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors. The proposed development would, based on the Development Framework plan, appear to meet the requirements of this policy.

Railway Safety

In terms of impacts on the rail network, Network Rail raises no objection to the development in principle. However, it had, during the course of the application's consideration, flagged up potential issues arising from the proposed development on four existing level crossings, two vehicular (Hotel Street and Grange Road) and two pedestrian (the Bardon Hill No. 1 and No. 2 crossings, which relate to existing public footpaths crossing the railway). In terms of Hotel Street, Network Rail has suggested that the crossing be monitored after the development is implemented to ascertain any perceived increase in use and, if so, that mitigation (e.g. yellow box "Keep Clear" markings) be provided. Having regard to the fact that a Transport Assessment has been submitted in support of the application, it is considered that sufficient information has been provided to enable Network Rail to come to a view as to whether or not the additional traffic associated with the proposed development would have a material impact on local crossings (and, hence, whether any mitigation is necessary and ought to be requested). Insofar as the other crossings are concerned, Network Rail had identified that it is its long-term aspiration to secure the closure of these facilities and their replacement with subway / bridge crossings although, in the short-term, mitigation would in any event be required in respect of the Grange Road crossing. This mitigation would, it is considered, be appropriate in terms of the vehicular crossing implications of the development; no evidence has been provided to demonstrate that a more substantial form of crossing (i.e. a bridge) is necessary to Grange Road so as to mitigate the development (whether on its own or in combination with other Coalville area proposals).

For the pedestrian (public footpath) crossings, it is noted that one of the crossings (Bardon Hill No.1) is located to the north of the site the subject of planning permission 12/00376/OUTM and, whilst some increased use of the crossing as a result of this development could not be ruled out, any increased use is more likely to result from increased pedestrian journeys between properties on Bardon Road and the non-residential uses approved on the 12/00376/OUTM site, and these impacts are not, therefore, considered directly relevant to the application in hand.

Insofar as the public footpath crossing (Bardon Hill No. 2) to the eastern end of the application site (public footpath N54, connecting that part of the application site south of Grange Road with the Reg's Way industrial estate) is concerned, it is accepted that some increased usage of this right of way is likely as it would provide for a convenient pedestrian link between new dwellings on the site and the employment areas to the east. At present, this railway is located on an embankment, raised considerably over adjacent land levels, and provision of a footbridge to provide for a suitable alternative would, it is considered, be unlikely to be feasible having regard to existing levels. In order to try to establish the extent of any increased risk and the potential mitigation solutions available, the applicants have engaged specialist consultants who, using a Network Rail assumed increased number of users of 252 persons per day, calculate (using standard costings for increased risk) a justification for a safety spend of between £33,600 and £40,600. In terms of the associated costs of potential mitigation measures which could be employed at the crossing, these would include, for example, installation of miniature warning lights (£305,000), a footbridge [although, as set out above, this may be impractical in design terms] (£475,000 for stepped, £1,100,000 for ramped), and an underpass (£850,000). As such, the costs of any potential mitigation project would appear to outstrip by some margin the quantified risk "cost" likely to be associated with the development. Based on the above report, Network Rail accepts that there is no business case for the development to fund a crossing scheme. However, whilst Network Rail is of the view that the 252 persons per day figure may be exceeded in practice given the intentions of the applicants' Travel Plan to encourage journeys by foot, it advises that the appropriate safety spend would normally, over a 50 year period, be in the region of £80,000 based on the potential usage suggested.

Whilst the level of increased risk associated with the proposed development would not, therefore, appear to justify (in cost benefit terms) the implementation of a mitigation scheme in full, there would, nevertheless, appear to be, in planning terms, a potential rail safety impact which, whilst relatively modest in risk assessment terms, could justify a requirement for mitigation. A simple alternative for mitigating increased risk in the event that the development was permitted, would be to secure the closure of the crossing, but this would not, it is considered, assist in ensuring the scheme represented sustainable development given the adverse impacts on accessibility and amenity associated with the stopping up of the right of way. An alternative option which would appear to be open to Members would be to determine that the sum justified in safety terms (i.e. between £33,600 and £40,600) be allocated from the wider transportation infrastructure contribution strategy sum as part payment towards one of the crossing mitigation schemes referred to above. This would appear to be justifiable as a transportation infrastructure improvement insofar as it would, in effect, be contributing towards improved pedestrian linkages (although the applicants query whether such a contribution would be CIL compliant). However, in order to enable a scheme of mitigation to be implemented, significantly greater sums would need to be secured from other schemes which also increased use of the crossing and, on this basis, it would seem unlikely that additional funding necessary to secure any meaningful measures would be available within a reasonable timescale. On this basis, whilst officers would advise that this option is open to Members, it is not recommended that this approach be opted for. For its part, Network Rail suggests that a figure of £160,000 ought to be secured towards rail crossing improvements (although, it is noted, only half of this figure (i.e. £80,000) is identified as being required in association with this particular application's proposals). If this higher figure (i.e. £80,000) is favoured, that would increase the opportunity for pooled contributions to reach a figure sufficient to implement meaningful improvements but, in officers' view, the timescale concerns set out above would continue to apply. Alternatively, Network Rail suggests payment of contributions in the event that usage of level crossings increases significantly in the future, but this would appear difficult to frame given the need to quantify / monitor use.

Overall, therefore, whilst it would appear that some implications on rail safety would be likely and cannot be discounted, the increased risks would, when objectively assessed against cost benefit criteria, not appear to justify spending of sufficient funds to provide a complete scheme of safety improvements, although it would appear possible for the commensurate cost associated with the risk generated by the development to be secured as a future contribution towards improvements in association with other sources of funding if these ever became available.

Air Quality

The Environmental Statement assesses the impacts on nitrogen dioxide and particles associated with the development, including impacts arising from the construction works (and associated traffic) and from the additional traffic associated with the development once it is in use. It also includes consideration of the potential impacts on the Coalville Air Quality Management Area (AQMA), which is located in the vicinity of the junction between the A511 Stephenson Way and Broom Leys Road, approximately 0.5km from the closest part of the site. The Environmental Statement has been assessed by the District Council's Environmental Protection team.

In terms of National policy, Paragraph 124 of the NPPF sets out the Government's approach to air quality and AQMAs. However, this also needs to be read in the context of the wider approach to sustainable development as set out in the NPPF, and its economic, social and environmental roles.

The Environmental Statement considers likely air quality effects in two principal categories: impacts during the construction phase (including demolition, earthworks and "trackout" (i.e. transport of dust and dirt by construction vehicles)) - principally dust emissions, and impacts from road traffic during the operational phase (nitrogen dioxide and particulates). The impacts are considered in respect of a total of 21 receptors (14 existing and 7 proposed), and including two in the vicinity of the Coalville AQMA.

In terms of the construction phase, the Environmental Statement indicates that, having regard to the location, nature and scale of the development, the dust emission class of the demolition would be small, but large for the earthworks, construction and trackout. However, a range of mitigation measures are also proposed and, having regard to this mitigation, the overall impacts would be reduced. When taking the mitigation into account, the Environmental Statement suggests that the significance of the dust emissions during the construction phase would be negligible.

Insofar as the operational phase is concerned, the Environmental Statement considers the impacts on 13 existing sensitive receptors, as well as 7 proposed receptors (i.e. within the development itself). In terms of the nitrogen dioxide implications once the proposed development is operational, the predicted results in respect of the majority of the receptors considered show that there would be some increase in annual mean concentrations as a result of the development (i.e. when compared with the "no development" scenario) both in the opening year (assumed as 2014) and in 2031. However, these are, for the most part, relatively limited increases and, in all cases save for one, the resulting annual mean concentrations would not exceed the annual mean Air Quality Limit Value (AQLV) of 40 micrograms per cubic metre ($\mu\text{g}/\text{m}^3$). In the case of that receptor (ESR 7; located within the AQMA), the 2014 level increase with the development would be $+0.02\mu\text{g}/\text{m}^3$ (i.e. $42.66\mu\text{g}/\text{m}^3$ as compared with $42.64\mu\text{g}/\text{m}^3$). By 2031, the respective figures with / without the proposed development would be $21.08\mu\text{g}/\text{m}^3$ and $20.58\mu\text{g}/\text{m}^3$ (i.e. an increase with the development of $0.50\mu\text{g}/\text{m}^3$). However, these figures

are predicted having regard to anticipated improvements in background air quality levels; without these assumptions, the respective figures for this receptor would be: 2014: With development: 47.15µg/m³ / Without development: 47.13µg/m³ (i.e. an increase with the development of 0.02µg/m³) and 2031: With development: 49.49µg/m³ / Without development: 48.56µg/m³ (i.e. an increase with the development of 0.93µg/m³). Whilst the Environmental Statement acknowledges this exceedance, it also states that the assessment provides for both the best case and worst case scenarios in terms of predicted concentrations and, as it is likely that there will be some improvement in both background pollutant concentrations and vehicle emissions before 2031, the actual pollutant concentrations at the receptors considered will, it suggests, be likely to fall between the two sets of values. On this basis, it is accepted that, on balance, an unacceptably adverse impact on air quality (and including within the AQMA) is unlikely in the longer term.

For its part, the District Council's Environmental Protection team notes that the Environmental Statement shows a slightly adverse impact on one receptor (ESR 7 in 2014) if background improvements are taken into account as well as on four receptors (ESR 7 and 8 in 2014 and 2031, and ESR 2 and ESR 4 in 2031) in the most conservative assessment. It also notes that receptors ESR7 and ESR8 are located within the Coalville AQMA and the likelihood is that they would exceed the air quality standard regardless of the development unless substantial changes are made to the Stephenson Way / Broom Leys Road junction as the modelled future background and road traffic emissions are optimistic and, historically, have over-estimated improvements. Regardless, however, the District Council's Environmental Protection team accepts that the modelled impact is small and, given the conservative nature of the modelling and the large timeframe for implementation, no objection is raised on the grounds of air quality

Overall in terms of air quality, therefore, the proposed development would not be expected to result in any significant harm to air quality (either during or post construction), and the development is considered acceptable in air quality terms.

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 existing residents arising from the proposed development (including, in particular, construction noise and vibration), as well on the future living conditions of both existing residents and the residents of the proposed development, having regard to the site's location and the future use of the site (and, including noise impacts from additional traffic using the development). These are considered in turn below.

Construction Noise and Vibration

The submitted Environmental Statement accepts that, during the earthworks and construction phase, any work carried out at the proposed development is likely to generate noise that may propagate beyond the proposed development boundary, and that earthwork and construction phase activities have the potential to generate short term increases in noise levels, above those recommended in BS5228-1 (although the levels of noise received at the receptors closest to the proposed development would depend on the sound power levels of the machines used, the distance to the properties, the presence of screening or reflecting surfaces and the ability of the intervening ground to absorb the propagating noise). The noise impact of the construction phase on existing and proposed residential properties is categorised in the Environmental Statement as non permanent moderate to minor adverse. Mitigation measures are therefore recommended in respect of this phase, including screening of noise sources by temporary screens, regular maintenance of plant and machinery, staff education, limitations on simultaneous noisy operations, adherence to agreed hours of construction and turning off of

engines when possible.

Similarly, some non permanent moderate to minor adverse impacts are also identified as possible in respect of vibration from the construction works (such as impacts from heavy plant / machinery including use of excavators and piling operations). Again, a range of potential mitigation measures are proposed, including substitution of plant with less intrusive methods where possible and isolation of stationary vibration-producing plant at its source where close to a receptor (e.g. nearby residential property).

Operational Phase

The Environmental Statement recognises that the proposed development has the potential to have noise impacts on, not only existing nearby residents, but also occupiers of the proposed development itself.

Insofar as traffic noise is concerned, the Environmental Statement concludes that, for existing sensitive receptors, the change in impacts vis-à-vis the current position would be less than 0.4dB (and, as such, categorised as negligible), in both the 2014 and 2031 "with development" scenarios (and taking into account likely increases in noise levels over that period even without the proposed development). For future occupiers, however, potential impacts from traffic noise are identified (arising from the proposed uses' proximity to major road links), and are identified as being major to moderate adverse.

[It is noted that the submitted Environmental Statement is based on an assumption of the provision of the potential vehicular link between Bardon Road and the site to the north of Grange Road and the resulting traffic distribution. As discussed under Means of Access, Highways and Transportation Issues above, the subsequent transportation work undertaken on behalf of the applicants indicates that alternative mitigation measures could accommodate the development in capacity and accessibility terms in the absence of this link and, as such, should the link not be provided, this would have therefore have an impact on the distribution assumed for the purposes of the noise assessment. However, it is accepted that it would be unlikely that materially adverse increased impacts would be likely in this regard arising from this change.]

In terms of other factors affecting the suitability of the site for residential development (and other noise sensitive development such as the proposed school), the Environmental Statement considers the impacts of existing features such as industrial / employment premises and the nearby railway. The Environmental Statement also considers the impacts of noise generated internally within the development (e.g. from the proposed school and local centre) on new residents.

Insofar as these various impacts are concerned, the Environmental Statement concludes that the following noise impacts would be likely:

- *Existing industrial premises on proposed residential properties:* long term moderate to minor adverse
- *Existing noise sources on the proposed school:* long term moderate to minor adverse
- *Noise from proposed school premises at proposed noise sensitive receptors:* long term negligible
- *Noise from the proposed local centre at existing and proposed noise sensitive premises (e.g. noise from vehicle movements, noise from patrons entering and leaving the pub / restaurant and community centre, noise from events / amplified music within the proposed pub / restaurant and community centre which may include, external plant and HGV deliveries etc):* unknown at this stage, but likely to be controllable by appropriate

- mitigation
- *Noise from Grange Farm Business Park*: no significant existing noise sources on the business park
 - *Noise from existing mineral railway line*: major to moderate adverse (but negligible in terms of vibration)

It is also noted that the site is located in close proximity to Newbridge High School, identified as both a receptor and potential noise source. However, no specific implications of this are set out in the Environmental Statement.

In terms of mitigation, and in view of the findings in respect of impacts on existing receptors, no mitigation in respect of those receptors is recommended. However, insofar as the proposed receptors (i.e. users of the new development) are concerned, a range of mitigation measures are recommended in the Environmental Statement to address the impacts identified above. These measures include appropriate orientation of buildings and gardens, acoustic fencing / barriers, minimum separation distances from the railway line, acoustic glazing and acoustic ventilation. Subject to the implementation of such measures, the Environmental Statement indicates that the impacts would be mitigated to a negligible level.

On this basis, therefore, the proposed development would be considered acceptable in this regard. For its part, the District Council's Environmental Protection team raises no objections subject to the subsequent approval and implementation of the detailed mitigation measures.

Other Residential Amenity Impacts

As set out above, the Environmental Statement considers the noise impacts of vehicular access (and is based on the indicative points of access as shown on the Development Framework plan). Also of relevance, however, are the likely impacts on amenity of properties in the vicinity of potential pedestrian and cycle routes serving the site. In this regard, whilst it is considered that, given the location of the site in relation to existing pedestrian routes / public rights of way (and based on the illustrative material submitted with the application), there would be likely to be increased use of these routes (albeit these elements of the access are, like the vehicular access, reserved matters, and do not form part of the outline application). Having said this, however, in principle, it is considered that there would be no overriding reason why unacceptably adverse impacts from use of routes indicated on the illustrative masterplan would necessarily arise were the development to proceed in the manner indicated.

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, whilst an illustrative masterplan has been submitted, all matters are reserved for subsequent approval. Whilst the majority of the proposed development is not indicated as being in close proximity to existing residential development, the illustrative masterplan indicates that built development would be located adjacent to a number of existing residential properties in the vicinity of the north western part of the application site, including properties on Forest Road, Wainwright Road and Hawley Close. Clearly, careful consideration would need to be given to any detailed proposals for these and other areas of the site submitted at the reserved matters stage(s) so as to ensure that an appropriate relationship between existing and proposed dwellings were provided. However, there is no reason to suggest that the eventual form of development proposed at the reserved matters stage(s) would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard.

Geotechnical Issues and Land Contamination

The applicants have undertaken a Phase 1 Geo Environmental Assessment Report and a Shallow Coal Mining Risk Assessment and the Environmental Statement assesses the potential impacts of the proposed development; mitigation, and including detailed intrusive ground investigation, is recommended. The Environmental Statement notes that the site is predominantly undeveloped with the exception of several farm buildings including a derelict building with associated potential asbestos containing material, several mineral railway embankments and the former colliery spoil heap. It also identifies the River Sence (which flows through the site) as a controlled water. An intrusive investigation undertaken at the spoil heap has identified what the Environmental Statement describes as marginally elevated organic contaminants within the spoil heap as well as potentially combustible soils. As referred to above, further intrusive works are recommended (across the entire site) in order to supplement the findings of the desk study and the spoil heap ground investigation. In terms of geology and ground conditions, the Environmental Statement indicates that there would be a low to moderate environmental effect, but that this would, in part, be alleviated by the development and capping of the existing spoil heap which, the Environmental Statement suggests, should have a positive environmental impact upon the surroundings.

The Environmental Statement and other supporting documents also consider the impacts of coal on the proposed development of the site and, in particular, the potential risk from former workings. The submitted Shallow Coal Mining Risk Assessment identifies that numerous coal seams have been mined beneath the site and that there has been mining subsidence at the site. The Environmental Statement therefore recommends further assessment of the ongoing claims and monitoring of surface movements should be conducted in order to assess the risk posed by deep coal workings. At this stage, however, there would appear to be no reason in principle why any such issues would necessarily prevent the satisfactory development of the site, nor why any appropriate remediation measures could not be implemented if required. The site is not within a Coal Authority referral area but is subject the Coal Authority's standing advice (and as set out in Informative 2 within the recommendation below).

Neither the District Council's Environmental Protection team nor the Environment Agency raise objection to the application in terms of geotechnical and land contamination issues (subject to conditions), and the proposals are considered acceptable in this regard.

Hydrology, Flood Risk and Drainage

The Environmental Statement includes a Flood Risk Assessment (FRA), assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development.

That part of the site falling within the area subject to Proposal H4g is identified in the Local Planning Authority's Strategic Flood Risk Assessment sequential test plan as an area where development is inappropriate (having regard to the fact that, given the presence of a tributary of the River Sence, part of the allocation falls (and, insofar as this application is concerned, the area fronting onto Grange Road adjacent to the Hugglescote Surgery) within Flood Zone 3a). However, the relevant paragraphs within the Strategic Flood Risk Assessment confirm that 99% of the allocation falls within Flood Zone 1 and that, through careful planning, the housing can be provided within Flood Zone 1.

Insofar as the application site as a whole is concerned, however, the Environment Agency flood zone maps indicate that the majority of the site lies within Flood Zone 1 (although, as per the section identified in the Strategic Flood Risk Assessment), parts of the site (i.e. adjacent to the

River Sence and its tributaries) fall within Zones 2 and 3. However, and as suggested in the Strategic Flood Risk Assessment, it is not proposed to erect any dwellings within these higher risk areas, and this is reflected on the Development Framework plan. On this basis, it is considered that the sequential test would be satisfied. Whilst the site includes land falling outside of Zone 1, it is considered reasonable to accept that this in itself should not prevent the sequential test being passed, particularly when having regard to the availability of alternative sites, and the overall contribution to sustainable development of the proposals.

It is noted that areas of public open space could be subject to flooding during extreme events. However, the approach to location of appropriate uses as set out in the NPPF does not preclude such uses, and it is accepted that no significant harm would be likely to result from the inaccessibility of these areas for a limited period during such extreme events, particularly given the relatively low frequency of such events.

In terms of potential sources of flood risk other than fluvial flooding, the FRA identifies a high potential risk in terms of the effect on the wider catchment, and low potential risks in respect of flooding from groundwater, sewers and pluvial run-off. In terms of these sources of risk the FRA concludes as follows:

Wider Catchment: The FRA identifies that operations such as changes to ground levels or construction of new crossings have the potential to affect or impede floodplain flows and / or reduce floodplain storage. However, it also indicates that such impacts can be addressed by way of appropriate design. Similarly, introduction of impermeable surfaces within the development have the potential to increase run-off rates but, again, can be addressed in an appropriate manner (e.g. by way provision of balancing facilities).

Sewers: The FRA indicates that the majority of the nearby sewer network is unlikely to be affected by the proposals by virtue of the site's topography and existing features (such as railways / embankments etc) which would restrict any overland surface water flows from reaching the nearest existing sewers.

Pluvial Run-Off: The FRA suggests that many of the site's boundaries form topographical barriers which would have the effect of preventing pluvial run-off, and existing land drainage features would serve to direct pluvial run-off towards the River Sence.

In terms of proposed mitigation, the FRA recommends that all built development be located within Flood Zone 1 and that finished floor levels be set a minimum of 300mm above the modelled 1 in 100 year plus climate change annual probability flood level.

For its part, the Environment Agency recommends that this figure be a minimum of 600mm. However, it is agreed that this can be satisfactorily resolved at the reserved matters stage, and the recommended conditions listed below have regard to this. The Environment Agency has no objections (subject to conditions) in respect of flood risk issues, therefore.

The Environmental Statement also has regard to other hydrological impacts, and sets out a range of mitigation measures. Subject to these mitigation measures being implemented, the Environmental Statement identifies, amongst others, the following residual effects during construction:

- Suspended solids entering the water environment: negligible adverse
- Concrete and cement products entering the watercourse: negligible adverse
- Impact on the water environment from hydrocarbons: minor adverse
- Impact from the release of harmful substances: minor adverse

The Environmental Statement also suggests that, subject to mitigation measures being implemented, the impact of increased surface water run-off rates during the construction phase can be considered negligible adverse.

Insofar as the operational phase is concerned, the Environmental Statement indicates that suspended solids and other contaminants would be filtered from surface water drainage through the use of SuDS (such as permeable paving, swales and attenuation basins) prior to discharge to watercourses. The Environmental Statement also states that use of SuDS will enable settlement of suspended solids and provide treatment for run-off, providing betterment in terms of the quality of water reaching the watercourses. In addition, the Environmental Statement states that the surface water drainage strategy seeks to limit discharge from the site in all return periods, reducing the potential flood risk within the River Sence. On this basis, the Environmental Statement suggests that the impacts of the development would be minor beneficial in terms of improving the quality of discharge and in terms of reducing flood risk on the river.

In terms of foul water disposal, the Environmental Statement indicates that this is proposed to be directed from the development via existing sewers to the west of the site towards Kelham Bridge pumping station, although this will, the Environmental Statement states, require some upgrades to the system (including improvements to existing sewers between the site and Kelham Bridge, improvements to the Kelham Bridge pumping station itself, and improvements to the pumping main between Kelham Bridge and Snarrows treatment works). However, and whilst full details have not been set out at this stage, the Environmental Statement indicates that, subject to suitable mitigation, the impact of the proposed development on the overall foul system would be minor adverse. In terms of water supply, the submitted information indicates that, from preliminary enquiries with Severn Trent Water, it is envisaged that the initial phases should be capable of supply without undue difficulty. For its part, Severn Trent Water raises no objections subject to conditions regarding approval of drainage details. [Initial work has also been undertaken in respect of other utility infrastructure (e.g. electricity, gas and telecommunications supply), and there seems to be no reason why, at this stage, those services could also not be appropriately provided as the development progresses.]

Loss of Agricultural Land

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

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. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification. The Environmental Statement includes an assessment of the agricultural quality of 172ha of the application site, suggesting the following distribution of land quality:

Grade 3a:	9.2ha	(7% of the agricultural land)
Grade 3b:	126.5ha	(92%)
Grade 4:	1.4ha	(1%)
Other land:	35.1ha	

On this basis, 7% of that part of the agricultural land within the application site (9.2ha) (or 5% of the 172ha included within the survey) would be BMV, and primarily incorporating sections to the

east of the existing surgery on Grange Road, and land in the vicinity of the Upper and Lower Grange Farms, with these sections comprising land within Grade 3a.

In terms of assessing the significance of this loss, the Environmental Statement has regard to both the limited extent of the BMV land and the fact that the impacts would be limited to tenanted land of one farm (Battleflat Lodge Farm), and considers that the proposed development would have a negligible adverse effect on soil resources. It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. For its part, Natural England makes no comments on loss of agricultural land in its consultation response in that the extent of the BMV loss falls below the 20ha threshold above which Natural England is a statutory consultee on this issue.

Also relevant is the extent to which change of use of the BMV land is irreversible. Whilst the submitted masterplan is illustrative only, it is noted that it indicates that a proportion of the areas identified as BMV would be given over to public open space which, it is considered, may not necessarily preclude its future re-establishment in active agricultural use if circumstances so dictated (although this could be dependent on the treatment of those areas during construction).

Nevertheless, in terms of agricultural land quality, it is not considered that the proposed development of the BMV land sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard which would count against the proposals in the overall planning balance, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the scheme as a whole and its overall contribution to sustainable development, and given the limited proportion of the site forming BMV, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused.

Proposed Main Town Centre Uses

A local centre is proposed to be provided as part of the development, including up to 2,000sqm for A1, A2, A3 and A5 uses, up to 499sqm for a public house restaurant, up to 400sqm for a children's day nursery and up to 500sqm for a new medical centre. The Development Framework plan indicates that this would be located towards the south eastern part of the site as a whole. In accordance with the requirements of the NPPF, the planning application is accordingly supported by information in respect of the sequential test although, given the scale of the proposed retail development (which falls below the 2,500sqm threshold set out in the NPPF), no supporting information in respect of retail impact is necessary.

In terms of the sequential test, the applicants' supporting information suggests that the sequential test has limited application in this case in that the proposed retail and leisure uses form part of a proposed local centre designed to serve the new population generated by the development and their day-to-day retail and leisure needs. There are therefore, the supporting information suggests, specific locational requirements for the local centre which mean that it cannot be accommodated within an existing centre, and that locating the retail and leisure elements of the proposal within Coalville town centre or another designated centre would fail to fulfil the purposes of a local centre. The supporting information notes that, to meet the needs of the new population, it is necessary for the facilities to be provided within a central and accessible location, taking into account the location of the new housing. The applicants also draw attention to the content of the South East Coalville Development Brief which, it is noted, requires the provision of two local centres (i.e. the one the subject of the current application and

the one previously approved on land to the north of Grange Road).

Paragraph 24 of the NPPF provides that local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered; the application site is out of centre (i.e. the least sequentially suitable). In this case, however, it is considered reasonable to have regard to the fact that the proposed town centre uses would, to a degree, serve the new population resident on the site (and, thus, reduce its occupants' need to travel) and, in this sense, this is considered to represent a reasonable case for permitting the town centre uses in this case; in the absence of any associated residential development, the location of a retail unit in this out of centre location adjacent to the existing edge of the settlement would, it is considered, be inappropriate in sequential terms. However, when taking into account the proposed associated residential development, it would be considered acceptable in retail policy terms to agree that the sequential test has been met in this case.

On the basis of the above, therefore, it is considered that the applicants have satisfied the NPPF's sequential test requirements and that, as such, the proposed development would be acceptable in retail / town centre policy terms. Whilst, as noted above, the floorspace of the proposed local centre falls below the 2,500sqm threshold referred to in the NPPF, given the proposed centre's scale (and the size of the proposed residential development which it is proposed to serve), unacceptably adverse impacts on the vitality and viability of existing centres would seem unlikely.

Design

The proposed scheme is outline only, with all matters reserved for later consideration, and has been assessed by the District Council's Urban Designer.

The application is accompanied by a Design and Access Statement (and addendum) and Building for Life 12 assessment setting out the design principles used in the formulation of the Development Framework Plan proposals, and assessing the scheme's performance against the various Building for Life criteria. The Building for Life assessment indicates that the scheme would be capable of achieving 12 "greens" against the criteria.

The scheme has been assessed by the District Council's Urban Designer who comments that the proposals have been subject to extensive consultation and discussion between various stakeholders both inside and outside of the District Council. The District Council's Urban Designer has also had extensive discussions with the applicants' designer and the District Council's Urban Designer advises that the majority of his questions and concerns raised during pre-application discussions have been addressed.

In terms of the applicants' Building for Life assessment which, as referred to above, concludes that 12 "greens" would be achieved, the District Council's Urban Designer considers that it is difficult to reach such a conclusion in the absence of detailed plans, and advises that it is generally difficult for an outline application to secure anything above amber from questions 5 onwards as there are no detailed proposals to justify a green indicator. The questions, in the Urban Designer's view, are therefore whether there are any red indicators that need identifying and remedying, whether any amber indicators could be raised to green, and what measures would safeguard this.

In terms of the submitted Building for Life assessment itself, the District Council's Urban Designer comments as follows:

Questions 1 to 4 (Connections, Facilities and services, Public transport and Meeting local housing requirements): The "greens" awarded in the self assessment are robust.

Questions 5 to 12 (Character, Working with the site and its context, Creating well defined streets and spaces, Easy to find your way around, Streets for all, Car parking, Public and private spaces, and External storage and amenity space): These are all amber at this stage. However, subject to the imposition of conditions there should be no difficulty in raising these to green.

The Urban Designer therefore considers that, whilst the scheme does not yet achieve the required Building for Life 12 standard, this is due to the outline nature of the application and, subject to the imposition of conditions, no objections are raised in respect of the outline application. Specific concerns had also been raised in respect of legibility. However, further to the submission of an additional legibility plan, the majority of the concerns raised in respect of this issue have been addressed, and the District Council's Urban Designer is content that, subject to further improvements of some of the "cross" links within the site at the detailed stage, this issue is resolvable.

Insofar as the construction of the proposed buildings is concerned, it is noted that the South East Coalville Development Brief referred to [the then] emerging Core Strategy Policy CS25 which required that major new residential and non-residential developments secure the highest rating technically and financially viable under the Code for Sustainable Homes (CSH) and the Building Research Establishment's Environmental Assessment Method (BREEAM) respectively. It also had regard to the then Policy CS35 which set out the specific sub-categories under these schemes which development in the Coalville Urban Area would be expected to meet. Clearly, these former emerging policies no longer "exist" and, as such, no weight should be attached to their provisions as material considerations. However, the environmental performance of the proposed buildings is nevertheless considered to remain a factor in assessing the proposed development's overall contribution to sustainable development, and to be of relevance to the overall planning balance. As set out in more detail under Developer Contributions and Development Viability below, the scheme is not considered to be capable of supporting a full range of developer contributions whilst remaining viable and, as part of the viability assessment process, the applicants have not assumed the implementation of any construction features beyond those required under the Building Regulations. This in itself, whilst having implications on the overall assessment of the development's sustainability credentials, would not, however, be likely to impact upon the achievable Building for Life score.

On this basis, whilst an entirely satisfactory form of development has not at this time been formulated, the view is taken that, given the outline nature of the application, and the supporting evidence which, in the District Council's Urban Designer's view, demonstrates that an appropriate approach can be provided at the reserved matters stage(s), design-related issues are considered to have been addressed to a satisfactory degree at this outline stage.

Other Matters

Developer Contributions and Development Viability

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 the Community Infrastructure Levy (CIL)

Regulations 2010.

The proposed infrastructure and other developer contributions / Section 106 obligations are as set out in the preceding sections of this report (including in respect of accessibility / transportation) and as listed below.

Notwithstanding the various contributions proposed by the applicants (and sought by consultees), the applicants do not propose to make a full affordable housing contribution having regard to the viability constraints of the scheme, nor are all of the other requested developer contributions proposed to be accommodated. As set out under Relevant Planning Policy above, the NPPF requires that development of sites identified in an authority's plan should not be subject to such a scale of obligations that their ability to be developed viably is threatened. A viability assessment has been submitted by the applicants and has been assessed on the Local Planning Authority's behalf by consultants engaged by the District Council.

The originally submitted viability assessment produced on behalf of the applicants concluded that no affordable housing could be provided without rendering the development unviable. A further, amended, viability assessment (and following the updating of some developer contribution figures) has now been provided which indicates that, when including for the various developer contributions as set out below, the development would support an affordable housing contribution of 4.4% (although, notwithstanding that (on the basis of their appraisal) any contribution in excess of 4.4% would render the scheme unviable, the applicants have indicated that they would be willing to increase this to 5%).

The District Council's consultants do not, however, accept the applicants' consultants' conclusions as set out within their appraisal. For their part, the District Council's consultants are of the view that an affordable housing contribution of approximately 10% could be secured. However, this assessment does not take into account fully the reduced developer contributions assumed for the purposes of the applicants' recent re-appraisal (i.e. which resulted in an increase from 0% to 4.4% (or 5%) affordable housing), as the re-appraisal was in a simplified form not including details of cash flow. In practice, therefore, the District Council's consultants are currently of the view that, were these reduced developer contributions factored in, further enhancement of the affordable housing contribution could be achieved (potentially to somewhere in the order of 12.5% but, as set out above, they are unable to say with any greater certainty at this point what this figure would be in the absence of detailed cash flow information).

In disagreeing with the conclusions of the District Council's consultants, the applicants take the view that the District Council's consultants' appraisal is flawed in terms of the build costs included which, they suggest, take into account unrealistic economies of scale, inappropriate (very basic) costs of affordable housing construction, and recent inflation in build costs. They also disagree with the benchmark land value taken into account. The District Council's consultants, similarly, do not accept the applicants' consultants' assumptions in this regard.

In view of the current differences between the respective consultants' positions, a proposal in respect of affordable housing has been made by the applicants, and is described below.

Having regard to the above viability issues, the following conclusions are reached in terms of the relevant contributions:

Affordable Housing

Under the provisions of the District Council's Affordable Housing SPD, a site of this scale in the

Greater Coalville area requires a minimum affordable housing contribution of 20% (i.e., for a development of total number 2,700 dwellings, 540 affordable units). As set out above, however, the development is proposed to provide a reduced proportion of affordable housing, and in accordance with the approach set out under the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy.

Putting the viability issues to one side, however, insofar as property and tenure mix are concerned, the District Council's Affordable Housing Enabler advises that a tenure mix of 79% affordable rented and 21% intermediate housing would be appropriate, comprising the following house types:

- 1 bed properties - 20%
- 2 bed bungalows - 20%
- 2 bed houses - 45%
- 3 bed houses - 15%

The tenure mix (above i.e. 79% affordable rented and 21% intermediate housing) has been assumed by the developers in reaching a calculated viable affordable housing contribution of 4.4% (although, as referred to above, the applicants have indicated that they would be willing to increase this to a contribution of 5%).

In terms of the approach proposed given the current lack of consensus between the applicants' and the Local Planning Authority's advisors, two potential options are suggested by the applicants. Members are invited to either:

- (i) Agree to a *minimum* contribution of 5% affordable housing, but with a view to negotiations on the maximum proportion of affordable housing continuing (and assuming the other development contributions below remain fixed), and with the final level of contribution being delegated to officers to agree in the light of the advice of the District Council's consultants on the viability of the scheme; or
- (ii) Accept a fixed contribution of 7.5% affordable housing at this stage

In the case of (i) above, the contribution agreed would be subject to ongoing review of the viability of the scheme during its development, with updated appraisals being produced and submitted to the Local Planning Authority for agreement at regular intervals (i.e. if those future viability reviews indicated that, having regard to improvement (or deterioration) in economic conditions, the scheme was able to support an enhanced affordable housing contribution (or, potentially, a reduced contribution in the event of a down turn in the market), then the contribution required under the Section 106 agreement would be adjusted accordingly. In the case of (ii), the 7.5% contribution offered is "fixed" (i.e. no review mechanism would be provided for during the course of the development's construction); the developers are in a position to agree to enhanced contributions in the event they are fixed given the additional certainty that the absence of review mechanisms provides.

Clearly an affordable housing contribution of 5% (or any other agreed enhanced figure under the SPD requirement) would fall below the minimum 20% contribution the District Council's Affordable Housing SPD seeks to secure from new housing development in Coalville, but this is nevertheless considered an acceptable approach if this level of contribution is the highest that can be demonstrated as viable. Alternatively, Members may take the view that a fixed 7.5% contribution would, on balance, represent a reasonable offer in the light of the current position. Under option (i) above, if the subsequent negotiations conclude that a higher contribution is viable, this higher level would be able to be secured. Having regard to the approach suggested

in the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, and given the under-provision of affordable housing vis-à-vis the adopted Affordable Housing SPD, it is considered appropriate to limit the implementation period of any planning permission granted, and the recommendation below therefore reflects that. The District Council's policy provides that the Council will reduce the time period for any planning permission to be commenced to 2 years; in the case of other outline permissions issued on this basis, the Authority has sought to ensure compliance with this two year time limit by requiring submission of the reserved matters application within one year of the date of the outline permission, and for the development to be commenced within one year of the date of the approval of the last of the reserved matters. Having regard to the scale of the development, the likely timescale for phasing, and the need to resolve a number of other matters early in the process (and as required by other conditions below), it is recommended that the timescales as set out in Condition 2 below be adopted in this instance.

In terms of the proposed options outlined above, either would be likely to result in a reduced contribution in one form or another, and there would clearly be implications of a reduced contribution towards affordable housing in order to secure the development's viability which would represent a departure from the Council's current affordable housing policies. However, Government guidance as set out in its Planning Practice Guidance advises that, where an applicant is able to demonstrate that a planning obligation would cause a development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations, and that affordable housing contributions in particular should not be sought without regard to individual scheme viability. However, it also clarifies that the NPPF provides that, where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development. Whilst the scheme would provide for an affordable housing contribution below that which would normally be required by the relevant policy, (and, hence, there would be concerns regarding whether the development would constitute sustainable development (and, in particular, in terms of its social dimension)), this needs to be considered in the context of the approach taken in the NPPF and Planning Practice Guidance.

In terms of the impacts of the reduced provision of affordable housing, this was assessed in more detail when the *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy was introduced. A significant housing need already exists within the District, and the recent Strategic Housing Market Assessment (SHMA) has indicated that the level of affordable housing provision within the district required to meet the identified need is 209 new affordable dwellings per annum between 2011 and 2036. In the years 2011/12, 2012/13 and 2013/14, the numbers of affordable houses built in the District were 57, 82 and 83 respectively and, therefore, even at current levels of provision, and notwithstanding a recent increase, the housing needs of many people within the District are not being met, and whilst securing a contribution in this instance would assist to a degree, the contribution proposed would be below that which would ordinarily be sought in this area. 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.

Also relevant is the extent of the likely affordable housing contribution. Depending on the approach favoured by the Local Planning Authority, even a relatively small (percentage wise) contribution has the potential to deliver a significant overall quantum of affordable housing; for example, a contribution at 5% would equate to 135 units, 7.5% 203 units and so on. Whilst these would remain, in percentage terms, relatively small contributions compared with the policy-compliant 20%, it is nevertheless acknowledged that these contributions would provide an important contribution to the overall stock of affordable dwellings in the area, a shortfall which is an inevitable consequence of the need to prioritise transportation contributions over affordable housing as has been the case in the Coalville area recently. The provision of significant numbers of affordable units would, to some extent, therefore, assist in addressing some of the increased shortfall that has arisen.

Therefore, the view is taken that, whilst the reduced contribution to affordable housing is unfortunate, the proposals represent a sustainable approach to delivering development overall. In terms of the options open to Members, officers would suggest that option (i) would be the more robust in terms of ensuring that the Local Planning Authority can be satisfied that the affordable housing contribution secured would be the maximum the development could deliver (and would secure enhanced affordable housing contributions if economic conditions improve during the life of the development programme). However, it is nevertheless accepted that there are other risks with this approach when compared to (ii) in that the alternative approach would secure 7.5% affordable housing regardless of the ongoing viability work (which could, of course, conclude that less than 7.5% was viable), and would also protect against a reduced contribution in the event that economic conditions worsened. Whilst officers' advice would be to agree to (i), therefore, it is nevertheless considered that favouring (ii) would be an entirely reasonable alternative, should Members consider it to be more appropriate.

In either event, however (and as referred to under Means of Access, Highways and Transportation Issues above), it is recommended that, should any transportation infrastructure improvements contributions not subsequently be necessary / used for, any unspent contributions should be directed back towards the provision of additional affordable housing.

Transportation and Accessibility Contributions

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

Education

The application includes provision for a new primary school. The respective education proposals / contributions are set out in more detail below.

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

Primary School Requirements:

The site falls within the catchment area of Ellistown and Hugglescote Primary Schools. The schools have a joint net capacity of 682 and 1484 pupils are projected on the roll should this development proceed, representing a deficit of 802 places. There are currently 141 pupil places at these schools being funded by Section 106 agreements from other developments in the area to be discounted, which reduces the deficit to 661 pupil places (of which 13 are existing and 648 would be created by this development).

There are four other primary schools within a two mile walking distance of the development,

namely Belvoirdale Primary School (with a surplus of 10 places), Broom Leys Primary School (with a surplus of 62 places), Warren Hills Primary School (with a deficit of 15 places), and All Saints Church of England Primary School (with a deficit of 20 places). When taking these into account, there would be an overall deficit in the primary sector of 624 pupil places. A total of 296 pupil places have been discounted that are being funded from Section 106 agreements for other developments in the area. The 648 deficit places created by this development can therefore be partly accommodated at nearby schools but the Local Education Authority considers that a claim for an education contribution of 624 pupil places in the primary sector is justified.

As part of the Section 106 agreement for the site to the north of Grange Road (permission ref. 12/00376/OUTM and its subsequent Section 73 permission, referred to as "Bardon Grange"), a 1.8ha site has been allocated together with the funding needed to accommodate the primary age pupils from that development. The County Council advises that it would be its intention to use some of the Section 106 funding secured for the current proposals to expand this Bardon Grange school to accommodate up to 420 pupils. If an additional 624 places are required and 420 of these are provided at the second 420 place school then the balance of 204 places would be provided by expansion of the Bardon Grange school. For this purpose the Local Education Authority advises that it would use the cost multiplier of £12,099.01 per pupil place, generating a contribution for this element of £2,468,198.04. In addition, a further site would be required and should, the County Council advises, be between 2.5ha and 2.8ha to provide the capacity to accommodate a 630 place school. However, the County Council advises that its intention would be to build the second 420 place school on this site to accommodate the balance of the pupils from the current proposals. The allocation of a 630 place site would, the County Council considers, ensure that, in the event of the Bardon Grange school not coming forward, the County Council would have the site and funding needed to build a 630 place school to accommodate all primary age pupils from the current site. Leicestershire County Council therefore requires the developer to provide the serviced site for a 630 place primary school, and to extend the Bardon Grange school to accommodate up to 420 pupils (or provide the funding required for others to do so, using the cost multipliers in use at the time). In addition a second new primary school for 420 pupils would, the County Council advises, be required, the cost of which would be based on the actual cost of providing the facility up to a maximum agreed figure. In the event that the Bardon Grange school did not come forward, Leicestershire County Council would require the developer of the current application to build a school, or pay a sum to meet the full cost (up to an agreed maximum figure) for 630 pupils.

In summary, therefore, the Local Education Authority advises that, in respect of the primary sector, it requires:

- Contribution of £2,468,198.04 to extend the proposed Bardon Grange primary school to 420 places
- Provision of a site to build a 630 place primary school
- The building (or a contribution to meet the full cost of building) a 420 place or 630 place primary school

The applicants have confirmed that they are agreeable to making these contributions.

High School Requirements:

The site falls within the catchment areas of Newbridge High School and Ibstock College. The schools have a joint net capacity of 1,295 and 1,654 pupils are projected on roll should this development proceed, representing a deficit of 359 pupil places. A total of 35 pupil places are included in the forecast from Section 106 agreements for other developments in this area and are therefore discounted, reducing the total deficit to 324 (of which 54 are existing and 270 would be created by this development). There is one other high school within a three mile walking distance of the site (Castle Rock High School) which has a forecast surplus of 49 pupil

places, resulting in an overall deficit in this sector of 275 pupil places, and the 270 deficit places created by this development cannot therefore be accommodated at nearby schools.

In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution for the high school sector of £4,826,565.90, which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at one or more of Coalville Newbridge High School, Coalville Castle Rock High School and Ibstock Community College (or any other school serving the development). The applicants have confirmed that they are agreeable to making this contribution.

Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The school has a net capacity of 1,193 and 1,332 pupils are projected on roll should this development proceed, representing a deficit of 139 pupil places. However, there is one other school within a 3 mile walking distance of the development (Stephenson College Studio School) which has a projected surplus of 310 pupil places. There is, therefore, an overall surplus in this sector of 171 pupil places and an education contribution is not therefore requested by the Local Education Authority.

Play Areas, Public Open Space and National Forest Planting

The supporting documents indicate that the proposed development would provide for significant areas of open space / green infrastructure (and including those containing SUDS features) which, for the site as a whole, would total somewhere in the order of 33% of the site when working on the basis of the submitted Development Framework plan, with much of the green infrastructure being located in the vicinity of the former and existing railway lines, and the River Sence.

Under the provisions of the District Council's Play Area Design Guidance Note SPG, children's play areas are required at a rate of 20sqm per dwelling, and all proposed dwellings should be within 400m walking distance of a facility. For developments of more than 99 dwellings, "kickabout" areas and provision of youth / adult formal recreational open space (e.g. sports pitches) are also required. In terms of future management, the approach set out within the SPG is for the facilities to be adopted by the relevant open space authority (in this case the Hugglescote & Donington le Heath and Ellistown & Battleflat Parish Councils).

In detail, the application includes the following:

Informal open space:

71.3 hectares distributed around the site, including existing vegetation, areas of water attenuation and areas of ecological and landscaping value. A network of pedestrian links is proposed through and within these areas providing recreational walking connections.

Children's play space:

3.5 hectares, comprising 10 Local Equipped Areas of Play (LEAPs) and one Neighbourhood Equipped Area of Play (NEAP), with the NEAP being located in the central open space area. On the basis of the submitted details, whilst the maximum distance any proposed property would be from a play area is not possible to calculate precisely due to the detailed road / pedestrian route network not being known at this outline stage, the illustrative distribution of the play areas would indicate that the maximum 400m walking distance as suggested in the District Council's SPG should be achievable.

Formal recreational open space:

4.6 hectares, including two sports pitches within the central open space area, a football pitch within the proposed primary school site for dual use, a multi use games area adjacent to the proposed primary school, and a "trim trail" route. In addition, it is proposed to provide a contribution of £16,000 to Newbridge High School (intended to allow for works to improve drainage so as to allow existing playing fields to be brought back into beneficial use, and enabling their use by not only the school but the wider community). Furthermore, it is proposed to contribute £100,000 to Ellistown and Battleflat Parish Council so as to fund improvements at the existing South Street Recreation Ground. At the time that the previously proposed scheme for the redevelopment of the South Leicester Disposal Point (which now forms part of this site) was permitted, similar obligations requiring implementation of a scheme of improvement works were provided for within the Section 106 agreement, and this proposal would, in effect, replace that requirement, and would allow the beneficial use of the recreation ground (and including by residents of the proposed South East Coalville development).

In terms of future management, and as set out above, the approach included within the District Council's SPG is for the facilities to be adopted by the relevant open space authority. In this case, however, in order to enhance the overall viability of the proposed development (and, accordingly, to enable increased contributions towards affordable housing and infrastructure), the applicants propose to pass responsibility for the management of the open spaces to a management company; this would accordingly remove the need for a maintenance commuted sum to be paid to the Parish Councils, and the financial burden for maintaining the areas would then be likely to be passed on to future occupiers of the development through, for example, payment of an annual fee by residents rather than using public money. Whilst this approach does not follow that envisaged in the District Council's SPG, use of management companies in respect of public open space is becoming increasingly common and, subject to the Section 106 agreement incorporating adequate safeguards to ensure continuity of maintenance and public access in the long term, it is considered that, particularly when having regard to the wider benefits accruing from the resulting ability to increase contributions elsewhere, this approach would be acceptable in this instance.

In terms of the ecological and biodiversity impacts of the proposed green infrastructure, Natural England supports the proposals as indicated on the Development Framework plan which, it considers, is sympathetic to local habitat requirements and has been developed as a result of the species and habitats recorded on site and expert advice from consultees such as the County ecologist. Natural England advises that multi-functional green infrastructure can perform a range of functions, including improved flood risk management, provision of accessible green space, climate change adaptation, and biodiversity enhancement. In this case, Natural England supports, in particular, the development of the River Sence corridor and publically accessible links into it, and welcomes the new proposal for creation of wetland and wet woodland areas. As referred to under Ecology and Biodiversity above, a habitat management plan is proposed (and would appear to be most appropriately secured by way of a Section 106 obligation).

Insofar as National Forest planting is concerned, whilst the National Forest Company has requested that consideration be given to accommodating additional tree planting in various locations around the site (including within the proposed "green links" and along the River Sence corridor), it nevertheless accepts that there would, overall, be sufficient green infrastructure to meet its minimum 30% requirement and, as such, it is considered that the scheme is, on balance, acceptable in this regard.

In terms of these issues overall, however, whilst the application is in outline and, as such, the

details in respect of play / recreation / open space / green infrastructure are limited at this stage, it is nevertheless considered that the proposed development has the potential to provide for an overall acceptable solution in terms of such facilities, subject to detailed resolution in due course.

Other Leisure Facilities

In addition to the sport and recreation proposals set out above, a contribution of £971,500 has been requested by the District Council's Leisure and Cultural Services team towards improvements at Hermitage Leisure Centre. However, the applicants do not propose to make this contribution as, in their view, the contribution would not meet the tests set out in the CIL Regulations in that: no scheme of improvement has been identified; similar contribution requests have not been made in respect of other applications in the South East Coalville area; and as there is no Development Plan policy basis for the contribution.

In support of the requested contribution, the District Council's Leisure and Cultural Services team advises that, having regard to existing capacity, the availability of alternative fitness provider facilities and the likely demographic make-up of new residents, the number of new Hermitage Leisure Centre users likely to be generated by the proposed development would be 1,485, representing an increase in latent demand of 67%.

The Leisure and Cultural Services team advises that the Leisure Centre is in the planning stages of a proposal to increase the size and capacity of a fitness suite and fitness class studio and, whilst at an early stage, the build costs (based on draft plans) are estimated to be approximately £1,000,000 with a further £250,000 to £450,000 in equipment and furnishing costs. Based on the above costs (i.e. up to £1,450,000 in total), a contribution of £971,500 towards the project is requested.

Whilst it is noted that the applicants do not consider the request to be CIL compliant, it is considered that evidence has been submitted which indicates that increased pressure on the facility is likely to result from the proposed development and, insofar as the requirement to be directly related to the proposed development is concerned, it is agreed that this case has been made. In terms of the need to be reasonably related in scale and kind to the proposed development, it is considered that the sum sought appears reasonable insofar that it has been calculated as a proportion of an identified latent demand. On this basis, therefore, it is accepted that, in CIL compliance terms, a case could be made for the contribution requested. Notwithstanding this conclusion, however, regard needs to be had to the wider viability issues and the fact that the development is unable, financially, to support all the contributions which would otherwise be required to be made. In this regard, it needs to be considered whether (and having regard to the approach set out within Paragraph 173 of the NPPF) the non-provision of this contribution would be so harmful as to render the development unsustainable in NPPF terms. In addition, Paragraph 10-019-20140306 of the Planning Practice Guidance states that "...the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development". In this case it is accepted that, whilst there could be increased pressure on the existing leisure centre as a result of the proposed additional housing, this would not be so severe as to make the development unacceptable (when balanced against the other planning benefits). As such, it is accepted that the non-provision of this contribution does not mean that permission ought to be refused (nor is it considered that this contribution necessarily ought to be prioritised over other contributions proposed to be made by the applicants).

Library Services

Leicestershire County Council advises that an additional 3,888 users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 9,370 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £146,740 is therefore proposed to be made by the developer for library services in accordance with the requirements of the County Council.

Civic Amenity

Leicestershire County Council advises that an additional 745 tonnes of waste per annum are anticipated to be generated and disposed of at Coalville Civic Amenity Site as a result of the proposed development, requiring improvements at the site so as to provide the increased capacity. A contribution of £176,526 is therefore proposed to be made by the developer for civic amenity services in accordance with the requirements of the County Council.

Healthcare

In respect of healthcare contributions, and as set out above, the application includes for the erection of a new medical centre of up to 500sqm. However, whilst the anticipated timetable for delivery of the medical centre is set out within Proposals and Background above, it is not considered certain if and when this particular element of the proposed development would actually be delivered, and consideration therefore needs to be given to the healthcare facility impacts of the proposed development on existing service provision.

NHS England requests a developer contribution of £276,931.20 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 together with commensurate costs of mitigation. Whilst the principal impacts are identified by the NHS as being on other surgeries rather than the nearby Hugglescote surgery, given other surgeries' existing capacities, there would appear no reason why, in planning terms, any enhancements to healthcare provision could not be directed towards the Hugglescote facility as well if the ability existed to accommodate new residents at that (expanded) practice. The calculations undertaken by the NHS indicate that, in order to accommodate the proposed development, an additional 7 clinical rooms would be required. It is considered that this request would meet the relevant CIL and NPPF tests, and the applicants have confirmed that are agreeable to making the contribution sought.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £952,050 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£110,231
Vehicles	£68,634
Additional radio call capacity	£6,885
Police National Database	£3,510
Additional call handling	£6,021
ANPR	£16,444
Mobile CCTV	£1,500
Additional premises	£733,425
Hub equipment	£5,400

In terms of the current application, whilst this contribution has been requested by Leicestershire Police, the contribution is not proposed to be made by the applicants on the basis that they propose to prioritise affordable housing over contributions towards policing.

The policing contributions listed above remain under consideration as to whether they meet the tests pursuant to CIL Regulation 122. Regardless of the resolution of this issue, however, it is noted that the applicants are of the view that, having regard to the viability limitations on the proposed development, and the fact that the development is unable, financially, to support all the contributions which would otherwise be required to be made, that other contributions ought to be prioritised. In this regard, and as per the leisure contributions discussed above, consideration needs to be given to whether the non-provision of this contribution would be so harmful as to render the development unsustainable in NPPF terms.

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its economic dimension) and also provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure. In addition, Paragraph 58 provides, amongst others, that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; similar principles are contained within Paragraph 69.

In terms of the economic role of the planning system, it is considered that, should the requests be found to be CIL compliant, the non-provision of the infrastructure sought by Leicestershire Police would not in itself render the development, overall, as unsustainable. It is also considered that the increased contribution to affordable housing as proposed by the applicants in lieu of the requested policing contribution would serve to enhance the sustainability of the development as a whole, and particularly in respect of the social dimension. This enhanced social element would, overall, be considered to more than off-set any adverse economic impacts. In terms of the need to provide for safe communities and the requirements of NPPF Paragraphs 58 and 69, it is noted that the proposed development has been identified as having the potential to score well under Building for Life 12, and including in respect of criteria 1 (Connections) and 11 (Public and Private Spaces) which have regard to the need for safe, well overlooked development; subject to the scheme submitted at the reserved matters stage having regard to this issue, there would appear to be no reason why, in principle, the proposed development would be unacceptable in terms of increased criminal activity, and it will be open to the Police to provide crime prevention / police architectural liaison advice at the reserved matters stage if it considers that the layout / design proposed at that time is not appropriate in terms of minimising the opportunities for crime. Whilst the Police object on the basis of the proposals not constituting sustainable development, and criticise the absence of an assessment of crime, community safety and policing impacts within the submissions, it is not considered that the absence of the contributions sought would necessarily render the development unsustainable in NPPF terms.

On this basis, and having regard to the overall contribution to sustainable development (and including from the proposed prioritisation of other contributions over the requested policing contribution) and having regard to the advice in Paragraph 10-019-20140306 of the Planning Practice Guidance, it is not considered that, should there be any adverse impacts arising from the non-provision of the requested policing contribution, the impact will be so severe as to render the development unacceptable. Leicestershire Police has requested that, should officers conclude that a policing contribution is not necessary, the consultation response letter and attachments be copied verbatim into the report; the letter in itself comprises 32 pages, and the attachments referred to total almost 300 pages, so reproduction of these documents within the

report is not considered appropriate. Copies are available for inspection, however, and can be forwarded on request.

Other Contributions

It is noted that Ellistown and Battleflat Parish Council has identified that the Ellistown has a need for a community centre; however the Parish Council has not provided any evidence demonstrating that the proposed development would generate a need for a community centre.

Overall, in terms of planning obligation issues, however, 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, and would represent appropriate contributions towards the infrastructure and other needs of the proposed development. Having regard to the viability constraints affecting the development, and the need for this development (as with others in the Coalville area) to be able to provide for appropriate transportation infrastructure, it is accepted that it is not possible to secure the full range of obligations together with a 20% affordable housing contribution (as per the District Council's Affordable Housing SPD) whilst at the same time ensuring the development remains viable. It is also accepted that, given the viability constraints and, accordingly, the limited funding available for affordable housing and infrastructure contributions, the range of obligations as proposed by the applicants represents an appropriate distribution of resources.

Conclusions

As set out above, the site is considered suitable in principle for the proposed development. Whilst the majority of the site is outside Limits to Development and, therefore, would be contrary to existing National and Development Plan policies designed to protect the countryside from unnecessary development, regard also needs to be had to other material considerations and, not least, the requirement to demonstrate and maintain a five year supply of housing land as set out in the NPPF. In this regard, however, it is considered that, over the immediate five year period, the contribution likely to be made to five year supply may be limited.

Whilst the majority of the site is located outside of Limits to Development as defined in the adopted Local Plan, having regard to its location adjacent to the existing settlement and its associated services, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefit from a presumption in favour of such development as set out in that document.

In terms of technical issues affecting the proposed development, the submitted Environmental Statement is considered to demonstrate these in an acceptable manner, and no significant concerns are raised in respect of the various impacts considered by the relevant statutory consultees.

Whilst the proposed development would, for viability reasons, be unable to support the full range of infrastructure requirements as sought by the relevant consultees, and proposes a reduced contribution to affordable housing, having regard to the NPPF's advice in respect of taking a flexible and proportionate approach to viability, and to the limited adverse affects that would occur as a result of the shortfalls in infrastructure provision, the view is taken that the proposals would, notwithstanding these issues, remain sustainable in NPPF terms. Approval is therefore recommended subject to appropriate Section 106 obligations and conditions.

RECOMMENDATION-

PERMIT, subject to Section 106 Obligations, and subject to the following conditions plus any other conditions as recommended by Leicestershire County Council's Principal Planning Archaeologist or as otherwise considered appropriate by the Head of Planning and Regeneration; and

Any subsequent reserved matters planning application(s) will be reserved for determined by the Planning Committee

- 1 No development shall take place within any phase of the development until such time as full details of the access to and within that phase, scale, layout, and appearance and landscaping (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the submitted details.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 Application for approval of the reserved matters shall be submitted to the Local Planning Authority before the expiration of two years of the date of this permission or, in the case of phased development, application for approval of the reserved matters within the first phase shall be submitted to the Local Planning Authority before the expiration of two years of the date of this permission. In the case of phased development, all subsequent reserved matters applications shall be submitted to the Local Planning Authority before the expiration of 10 years of the date of this permission

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended), and to accord with the requirements of the Local Planning Authority's emerging policy relating to developer contributions.

- 3 The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved or, in the case of phased development, before the expiration of one year from the date of approval of the last of the reserved matters to be approved in respect of the first phase.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended), and to accord with the requirements of the Local Planning Authority's emerging policy relating to developer contributions.

- 4 The proposed development shall be carried out strictly in accordance with the following plans:
 - Site location plan (EMS.2423_002 C) deposited with the Local Planning Authority on 15 July 2014

Reason - To determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, landscaping (including strategic landscaping),

density parameters and scale, as well as details of any proposed phasing of development (and including a timetable for the delivery of all non-residential uses in relation to the proposed dwellings). The masterplan shall accord with the principles of the submitted Design and Access Statement (including addendum). All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner, and to ensure that the proposed development delivers the proposed residential and non-residential development at the appropriate time.

6 A total of no more than 2,700 dwellings shall be erected.

Reason - To define the scope of this permission.

7 Unless otherwise provided for in this permission, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as precise details of all means of mitigation measures as set out in the Environmental Statement (including addendum), and including timetables for their provision, have been submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved details and timetables unless in accordance with any variation first agreed in writing by the Local Planning Authority.

Reason - To ensure the development and associated impacts take the form envisaged in the Environmental Statement.

8 No reserved matters applications shall be submitted until such time as a Design Code for the entirety of the site has been submitted to and agreed in writing by the Local Planning Authority. The Design Code shall substantially accord with the principles and parameters described and illustrated in the Design and Access Statement (including addendum), and demonstrate compliance with Building for Life 12 (or any subsequent replacement standard issued by the Design Council / CABI or any successor organisation). The development shall thereafter be carried out in accordance with the agreed details, or in accordance with any amendment to the Design Code subsequently agreed in writing by the Local Planning Authority.

Reason - To ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

9 All reserved matters applications submitted pursuant to this permission shall be accompanied by a statement setting out how the development to which the relevant reserved matters application relates complies with the Design Code agreed in respect of Condition 8 above.

Reason - To ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 10 Notwithstanding the submitted details, nor Condition 7 above, no work shall commence on site (or, in the case of phased development, in respect of the relevant phase) until such time as a scheme for the disposal of foul and surface water drainage from the site, together with a timetable for its implementation, and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall demonstrate the surface water run-off generated up to and including the 1 in 100 year plus 30% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and include:
- Soakaway test results from locations across the site;
 - Full calculations for a range of storm events;
 - Overland flow routes and any mitigation measures; and
 - Details of how the scheme shall be maintained and managed after completion

No development shall be carried out, nor any part of the development brought into use, at any time unless in accordance with the agreed scheme and timetable.

Reason - To ensure that the development is provided with a satisfactory means of drainage, to prevent the increased risk of flooding, to provide habitat and amenity, to improve water quality, and in the interests of ensuring the safety, operational needs and integrity of the railway.

- 11 Notwithstanding the submitted details, nor Condition 7 above, unless any alternative timescale is first agreed in writing by the Local Planning Authority, the first reserved matters application shall include:
- Details of the fluvial model undertaken for the River Sence and its tributary; and
 - Details of the minimum freeboard height above the 1 in 100 year plus climate change level for all buildings

Reason - To ensure that the layout of the proposed development is acceptable in the context of the areas of flood risk.

- 12 Notwithstanding the submitted details, nor Condition 7 above, no development (save for demolition works) shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a further Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority. The Risk Based Land Contamination Assessment shall identify all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site and shall be carried out in accordance with:
- BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
 - BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and,
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 13 If, pursuant to Condition 12 above, any unacceptable risks are identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004, and the Verification Plan shall be prepared in accordance with the requirements of Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010, and CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004. If, during the course of development, previously unidentified contamination is discovered, development shall cease on the affected part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the agreed details and thereafter be so maintained.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 14 None of the development hereby permitted shall be brought into use until such time as a Verification Investigation for the relevant part of the site has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. No part of the development (or, in the case of phased development, no part of the relevant phase) shall be brought into use until such time as a report showing the findings of the Verification Investigation has been submitted to and agreed in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 15 There shall be no infiltration of surface water drainage into the ground at any time other than in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To protect controlled waters receptors.

- 16 Notwithstanding the submitted details, nor Conditions 5 and 7 above, unless any alternative timescale is first agreed in writing by the Local Planning Authority, the first reserved matters application in respect on any part of the site located to the south of Grange Road shall include details of a proposed buffer zone to the River Sence, together with a proposed strategy for limiting built development within this zone. All subsequent reserved matters applications shall be in accordance with the approved zone and strategy unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority.

Reason - To maintain a wildlife corridor and protect the habitat and biodiversity of the River Sence Candidate Local Wildlife Site.

- 17 Notwithstanding the submitted details, nor Condition 7 above, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a timetable for the undertaking of updated surveys in respect of great crested newts, badger, bats and lizard in relation to commencement of site works on the relevant phase (and including the specification of maximum periods between undertaking of surveys and commencement of work on the relevant phase) has been submitted to and agreed in writing by the Local Planning Authority. No development shall thereafter be undertaken at any time unless the relevant surveys have been undertaken and the results (including mitigation measures and a timetable for such mitigation where appropriate) have been submitted to and agreed in writing by the Local Planning Authority, and the development shall thereafter be undertaken strictly in accordance with the agreed mitigation measures and timetable.

Reason - In the interests of nature conservation.

- 18 Notwithstanding Condition 17 above, no demolition in respect of the existing dwelling at 104 Forest Road shall take place at any time other than in accordance with the recommendations set out in Section 5 of the submitted Bat Emergence Survey dated 28 July 2014 prepared by C B E Consulting.

Reason - In the interests of nature conservation.

- 19 No hedgerows, trees or shrubs shall be removed during the months of March to August inclusive unless first agreed in writing by the Local Planning Authority. Should nesting birds be found during construction work, all work within 5 metres of the nest shall cease immediately, and shall not resume until such time as the young have left the nest.

Reason - In the interests of nature conservation.

- 20 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order), the total gross floorspace of uses falling within Classes A1, A2, A3, A4 and A5 of that Order shall not exceed 2,500 square metres at any time, unless planning permission has first been granted by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, for the avoidance of doubt, to ensure satisfactory control over the impact of the development on nearby centres, and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 21 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order) nor Condition 20 above, no individual unit used for purposes falling within Class A1 of that Order shall exceed a gross floorspace of 2,000 square metres at any time, unless planning permission has first been granted for such additional floorspace by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, for the avoidance of doubt, to ensure satisfactory control over the impact of the development on nearby centres, and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 22 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order) nor Condition 20 above, no individual unit used for purposes falling within Class A4 of that Order shall exceed a gross floorspace of 499 square metres at any time, unless planning permission has first been granted for such additional floorspace by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, for the avoidance of doubt, to ensure satisfactory control over the impact of the development on nearby centres, and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 23 No works shall be undertaken within 10 metres of the adjacent railway unless in accordance with a method statement for the works first submitted to and agreed in writing by the Local Planning Authority in consultation with Network Rail.

Reason - In the interests of ensuring the safety, operational needs and integrity of the railway.

- 24 No work shall commence on site (or, in the case of phased development on any phase falling within 10 metres of the adjacent railway) until such time as precise details of all measures designed to prevent unauthorised and / or accidental vehicular or pedestrian access onto the railway (together with a timetable for their implementation) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable, and the agreed measures shall thereafter be so maintained.

Reason - In the interests of ensuring the safety, operational needs and integrity of the railway.

- 25 No external lighting shall be installed on site (and including during the construction phase) unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of the area, in the interests of nature conservation, in the interests of rail safety and to comply with Policy E4 of the North West Leicestershire Local Plan.

- 26 No development shall commence on the site until such time as a scheme of works to the Bardon Hill (Grange Road) level crossing has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, no part of the development shall be occupied until such time as the agreed works have been carried out in full in accordance with the agreed

scheme of works.

Reason - In the interests of railway safety.

- 27 Notwithstanding Conditions 1, 2, 3 and 5 above, the first reserved matters application shall include a vehicular access strategy for the whole of the site setting out indicative details of vehicular, cycle and pedestrian access into the site, along with principal routes through the site (and including a timetable for the delivery of the access routes in relation to the proposed development).

Reason - To ensure the development provides for appropriate forms of access at the reserved matters stage, and to ensure that the wider highway network impacts reflect those as assessed in the submitted Transport Assessment and Environmental Statement.

- 28 Notwithstanding Conditions 1, 2, 3 and 27 above, no more than 400 dwellings shall be accessed off a single point of vehicular access.

Reason - To ensure safe and adequate access between the development and the wider highway network, and to comply with policy T3 of the North West Leicestershire Local Plan.

- 29 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a construction vehicle management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.

- 30 Notwithstanding the submitted details, nor Condition 7 above, no development shall commence on the site until such time as an updated Framework Travel Plan, and including measures designed to reduce the amount of single occupancy car journeys to and from the site together with timetables for the implementation of the proposed measures, has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to provide transport choice / a choice in mode of travel to and from the site.

- 31 Notwithstanding the submitted details, nor Condition 7 above, all reserved matters applications for each phase of development containing buildings shall be accompanied by a land-use specific Travel Plan for the whole of the relevant phase (based on the principles set out in the Framework Travel Plan agreed pursuant to Condition 30 above and including timetables for the implementation of the proposed measures). The development within the relevant phase shall thereafter be undertaken and occupied, and the Travel Plan's measures implemented, in accordance with the agreed Travel Plan and timetable.

Reason - To ensure that adequate steps are taken to provide transport choice / a choice in

mode of travel to and from the site.

- 32 Notwithstanding the submitted details, nor Condition 7 above, the first reserved matters application submitted in respect on any part of the site located to the north of Grange Road shall be accompanied by a scheme for the provision of a continuous route suitable for use by buses through that part of the site. All subsequent reserved matters applications relating to that part of the site shall be in accordance with the scheme unless any alteration to the scheme is first agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to provide a transport choice / a choice in mode of travel to / from the site, and to ensure connectivity with Coalville town centre.

- 33 Notwithstanding the submitted details, nor Condition 7 above, the first reserved matters application submitted in respect on any part of the site located to the south of Grange Road shall be accompanied by a scheme for the provision of a continuous route suitable for use by buses through that part of the site. All subsequent reserved matters applications relating to that part of the site shall be in accordance with the scheme unless any alteration to the scheme is first agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to provide a transport choice / a choice in mode of travel to / from the site, and to ensure connectivity with Coalville town centre.

- 34 None of the development within that part of the site located to the south of Grange Road shall be brought into use until such a time as a scheme of mitigation measures at the Beveridge Lane / Whitehill Road / Midland Road / Ibstock Road double mini-roundabout junction in Ellistown has been undertaken and implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to mitigate the vehicular impact of the development.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development 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 2010 (as amended).
- 2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
 - Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).
 - Gas emissions from coal mines including methane and carbon dioxide.

- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 4 Your attention is drawn to the attached report of the Environment Agency.
- 5 Your attention is drawn to the attached report of the Highways Agency.
- 6 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highways and transportation matters.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer.
- 8 Your attention is drawn to the attached report of Natural England.
- 9 Your attention is drawn to the attached report of the National Forest Company; the applicants are advised to have regard to the advice provided when formulating the

- detailed proposals at the reserved matters stage(s).
- 10 Your attention is drawn to the attached report of Network Rail.
- 11 The applicants are advised that the Local Planning Authority will be likely to require the Design Code submitted pursuant to Condition 8 above to be subject to independent review by the regional Design Review Panel (OPUN), and that the Code will be expected to have regard to the previously approved Code for the site to the north of Grange Road so as to ensure a holistic sense of place is created.
- 12 The applicants are advised that the Local Planning Authority will require any relevant reserved matters applications to be devised having regard to a street typology framework consistent with other sites within the wider South East Coalville area.
- 13 The applicants are advised that, with the exception of the primary road connections, all streets (including the village centre within the development) will need to be designed to enable the implementation of a maximum 20mph speed limit.
- 14 The applicants are advised that all properties should be provided with a minimum of two parking spaces increasing to three spaces for four bedrooms homes and above regardless of tenure, and that all parking spaces should accord with the requirements of the 6Cs Design Guide.
- 15 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk
- 16 For the avoidance of doubt, all references within phases of development within the conditions above should be construed as being those phases of development to be set out and agreed pursuant to Condition 5.
- 17 This decision is in accordance with the resolution of the Planning Committee of 2 December 2014 and is subject to a Section 106 Obligation.

Demolition of existing bungalow and the erection of three two storey dwellings

**Report Item No
A5**

34 Copson Street Ibstock Coalville Leicestershire

**Application Reference
14/00898/FUL**

**Applicant:
Mr Chris Dickman**

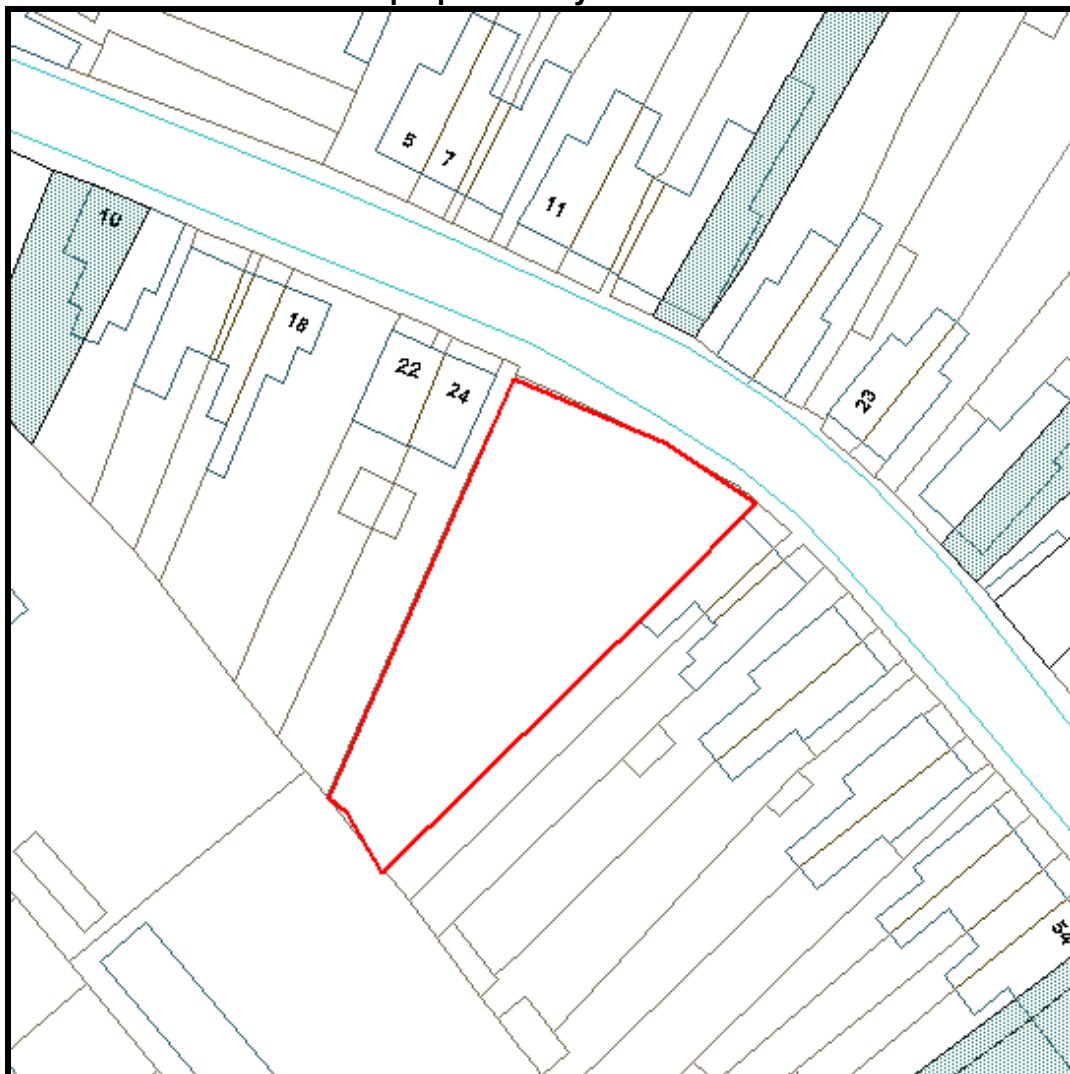
**Date Registered
10 September 2014**

**Case Officer:
James Mattley**

**Target Decision Date
5 November 2014**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Decision

Proposal

This application seeks full planning permission for the demolition of an existing bungalow and the erection of three two storey dwellings terraced dwellings at 34 Copson Street.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals from local residents but no other objections are raised by any statutory consultees.

Planning Policy

The application site lies within the limits to development and in a sustainable settlement where the principle of residential dwellings are considered to be acceptable. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

Conclusion

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF 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, the Officer's assessment and recommended reasons for approval, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This application seeks full planning permission for the demolition of an existing bungalow and the erection of three two storey dwellings terraced dwellings at 34 Copson Street. The application site consists of a single storey dwelling, situated on the southern side of Copson Street. The site is located in a predominantly residential area with dwellings surrounding the site. The subject property is located within Limits to Development.

Amended plans have been received during the course of the application in order to address officer concerns over the design and appearance of the originally submitted scheme. The amended scheme consists of three two storey terraced properties that would front onto Copson Street with a rear parking courtyard providing two car parking spaces per dwelling.

The application is accompanied by a design and access statement.

The application has been called in by Councillor De Lacy as he considers the matter to be of public interest.

Relevant Planning History:

14/00479/FUL - Demolition of existing bungalow and the erection of four two storey dwellings - withdrawn.

Pre-application advice has been carried out prior to the formal submission of this application.

2. Publicity

19 no. neighbours have been notified (Date of last notification 3 November 2014)

Site Notice displayed 9 October 2014

3. Consultations

Ibstock Parish Council consulted 1 October 2014

County Highway Authority consulted 3 November 2014

Severn Trent Water Limited consulted 3 October 2014

LCC ecology consulted 3 October 2014

4. Summary of Representations Received

A total of 11 representations have been received objecting to the application on the following grounds:

- _ proposal would impact upon existing car parking;
- _ would not be able to get in and out of the access given the amount of on-street car parking;
- _ would not object to a reduced number of dwellings on the site;
- _ construction will cause noise, disturbance and dangerous road conditions;
- _ level of on-street car parking sometimes results in the pavements being inaccessible;
- _ new occupiers may not use the dedicated car parking to the rear and instead may park on the street;
- _ the existing bungalow is not dilapidated and could be renovated;
- _ the modern houses would not be in character with the existing houses in the street;
- _ proposal would result in overlooking to properties over the road;

- _ the proposal would result in a cramped form of development;
- _ the existing services/facilities in Ibstock are already operating at over-capacity;
- _ there is asbestos on the site;
- _ the amended plans do not address the previous concerns regarding parking.

County Ecologist has no objections and there is no need for further survey work.

County Highway Authority has no objections subject to the inclusion of relevant conditions.

Ibstock Parish Council has not responded to the planning consultation.

by email and post

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

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.

The policies of the North West Leicestershire Local Plan as set out in more detail 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. In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

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

Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

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

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the

- nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

- "47 To boost significantly the supply of housing, local planning authorities should:
- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49 Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

- "204 Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development."

North West Leicestershire Local Plan

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Policies

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor

cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

6. Assessment

Principle and Sustainability

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Ibstock benefits from a range of local services and is readily accessible via public transport. The proposal for the erection of new residential dwellings is, therefore, considered to score well against the sustainability advice in the NPPF.

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. On this basis, the District Council's most recent calculations indicate that the Council is able to demonstrate a housing supply of 6.18 years (including a 20% buffer). Approval of this scheme, which is located within the limits to development, would make a small but meaningful contribution to increasing/maintaining the District's housing land supply.

Having regard to all of the above it is considered overall that the proposed development would represent sustainable development and would be acceptable in principle.

Density and Design

Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per ha elsewhere. The NPPF states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances.

The site area is stated as 0.075 hectares and therefore the presence of three dwellings on the site would result in a density of 40 dwellings per hectare. This density is in accordance with the minimum density outlined in Policy H6. Regardless of this it necessary to consider the design of the proposal and this is considered in more detail below.

The need for good design in new residential development is outlined not only in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in

terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

This part of Copson Street is characterised predominantly by traditional terraced and semi-detached properties located toward the front of linear plots with boundaries well defined and with buildings that are well detailed with strong chimneys and window and brick detailing, and well-proportioned properties with a strong vertical emphasis that provides a rhythm to the streetscene. The street contains buildings that generally have strong characteristics and make a positive contribution to the locality. The existing bungalow on the site is at odds with the prevailing character of development on the street and it is considered that surrounding properties in the locality should be used to inform the development of the application site.

A previous application that was submitted on the site provided for four dwellings that were set back from Copson Street with car parking to the front. The application was withdrawn but such an arrangement would not have been acceptable in relation to Policy H7, E4 or the design advice contained within the NPPF.

The current application is accompanied by a street scene drawing that shows the proposed dwellings in relation to the two adjacent dwellings (No's 24 and 36). The new dwellings would have a ridge height that is approximately in line with the ridge height of No.36 Copson Street and 1.6 metres lower than No.24 Copson Street. The new dwellings are considered to respect the existing topography on the site and would not, by virtue of their height, be uncharacteristic of the surrounding street scene. The current application also includes for dwellings that are located in close proximity to the back of the footpath with bay window details, stone lintels and chimneys which would ensure that the design and appearance of the properties are in keeping with the surrounding area.

As the proposal includes for frontage development, the car parking is to be provided in a rear parking courtyard. Whilst the surveillance of this area is not ideal, it would serve only three dwellings and suitable lighting and surfacing could be secured through appropriate conditions.

Overall, the design, appearance and scale of this proposal is now considered to be acceptable and would not look out of keeping with the character and appearance of the surrounding area and is considered to be compliant with Policy E4 and H7 of the Local Plan and the design advice in the NPPF.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties. The most immediately affected dwellings would be the two adjacent dwellings; No.36 is a two storey semi-detached property to the south-east and No.24 is a two storey semi-detached property to the north-west.

In terms of the neighbouring dwellings neither property has main habitable windows located on the side elevations and the new dwellings would be constructed generally in line with the existing properties. Such an arrangement would help to ensure that the new terraced properties do not cause significant overlooking, overbearing and overshadowing issues. There would be a first floor window on plot 1 that would provide an oblique view towards the rear amenity space of No.36 but this would not be an uncommon relationship.

The car parking arrangements would result in vehicular movements in close proximity to the residential amenity space of No.24 and there would also be the noise of vehicle engines starting

up and doors opening and closing arising from the rear car parking courtyard. However, it is noted that the rear car parking courtyard would only serve three properties which would ensure that the number of vehicle movements would not be extensive, the plan shows for landscaping within the courtyard and it would be possible to attached conditions to any planning permission to ensure that a suitable boundary treatment is erected and maintained in this area. It is also noted that both neighbouring properties have long rear gardens measuring over 30 metres. The arrangement proposed would not be too dissimilar to having a development on a corner site with a road running close to the dwelling and its rear garden, which was considered in an appeal to be an suitable yardstick for an acceptable standard (Appeal Ref: APP/G2435/A/08/2065885/WF). When having regard to all of these issues it is not considered that the proposed car parking arrangements would result in significant noise and disturbance to surrounding residents.

The relationship between the new properties and those properties over the road would be no different to any other part of Copson Street and such a relationship is not considered to result in overlooking, overbearing or overshadowing issues.

In terms of the objections raised over construction noise it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance given that only three dwellings would be constructed on the site, it is considered that the imposition of an hours condition would be unreasonable.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Highway Safety

A new access would be formed in the north-west part of the application site that would lead to a rear parking courtyard providing a total of six car parking spaces. Concern has been expressed from surrounding neighbours regarding the safety of the access, the lack of visibility at the access due to on-street car parking and the proposal preventing existing residents from parking on Copson Street.

In terms of car parking, each of the new dwellings would have access to two off-street car parking spaces. As the Local Plan requires an average of 1.5 spaces per dwelling it is considered that the proposal would provide a sufficient level of parking that would not lead to on-street car parking issues. A condition is recommended that these off-street car parking spaces remain available for use at all times.

The concerns of neighbouring residents in relation to highway safety are recognised. However, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF or the County Council's 6C's document.

Other

Any issues regarding asbestos on the site would be dealt with under separate legislation.

The structural stability of the dwelling in this instance is not considered to be a material planning consideration given that the site is located within the limits to development.

Conclusion

The site is located within the limits to development and is considered to be in a sustainable location. On this basis, the principle of the development is considered to be acceptable. The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan and the advice in the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing No. 34CS-RESDEV-(PA)#004A deposited with the Local Planning Authority on 28 October 2014;

Drawing No. 34CS-RESDEV-(PA)#003A deposited with the Local Planning Authority on 28 October 2014;

Existing site plan deposited with the Local Planning Authority on 10 September 2014;

Site location plan deposited with the Local Planning Authority on 10 September 2014;

Reason - To determine the scope of this permission.

- 3 Prior to the commencement of any part of the development representative samples of the materials to be used in all external surfaces shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason - To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking / manoeuvring areas) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the development provides for a satisfactory form of design, in the interest of

amenity.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period.

- 6 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - to provide a reasonable period for the replacement of any trees.

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority). Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To preserve the amenities of the locality, and to ensure an appropriate form of design.

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the positioning and treatment of utility boxes to the dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure an appropriate form of design.

- 9 No development shall commence on site until such time as detailed finished floor levels and site levels (in relation to a fixed datum point) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure appropriate land levels.

- 10 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the dwelling hereby approved shall not be enlarged,

improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses be provided unless planning permission has first been granted by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over future development in view of the form and density of the development proposed.

- 11 Before first use of the development hereby permitted, the vehicular access to the site shall be widened to an effective minimum width of 4.25 metres over a distance of at least 5 metres behind the highway boundary. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Reason - To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 12 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason - To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 13 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 14 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 15 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.

Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 16 Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 17 No development shall commence on site until such time as a scheme of lighting to the rear car parking courtyard has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed scheme and once provided shall be maintained in perpetuity.

Reason - To preserve the amenities of the locality, and to ensure an appropriate form of design.

Notes to applicant

- 1 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 2 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development 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 2010 (as amended).
- 3 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001)

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Temporary change of use of land from agriculture to a solar farm with continued agriculture and associated infrastructure.

**Report Item No
A6**

Site Opposite Ashby Rugby Club Nottingham Road Ashby De La Zouch Leicestershire

**Application Reference
14/00862/FULM**

**Applicant:
Ms Emma Siddons**

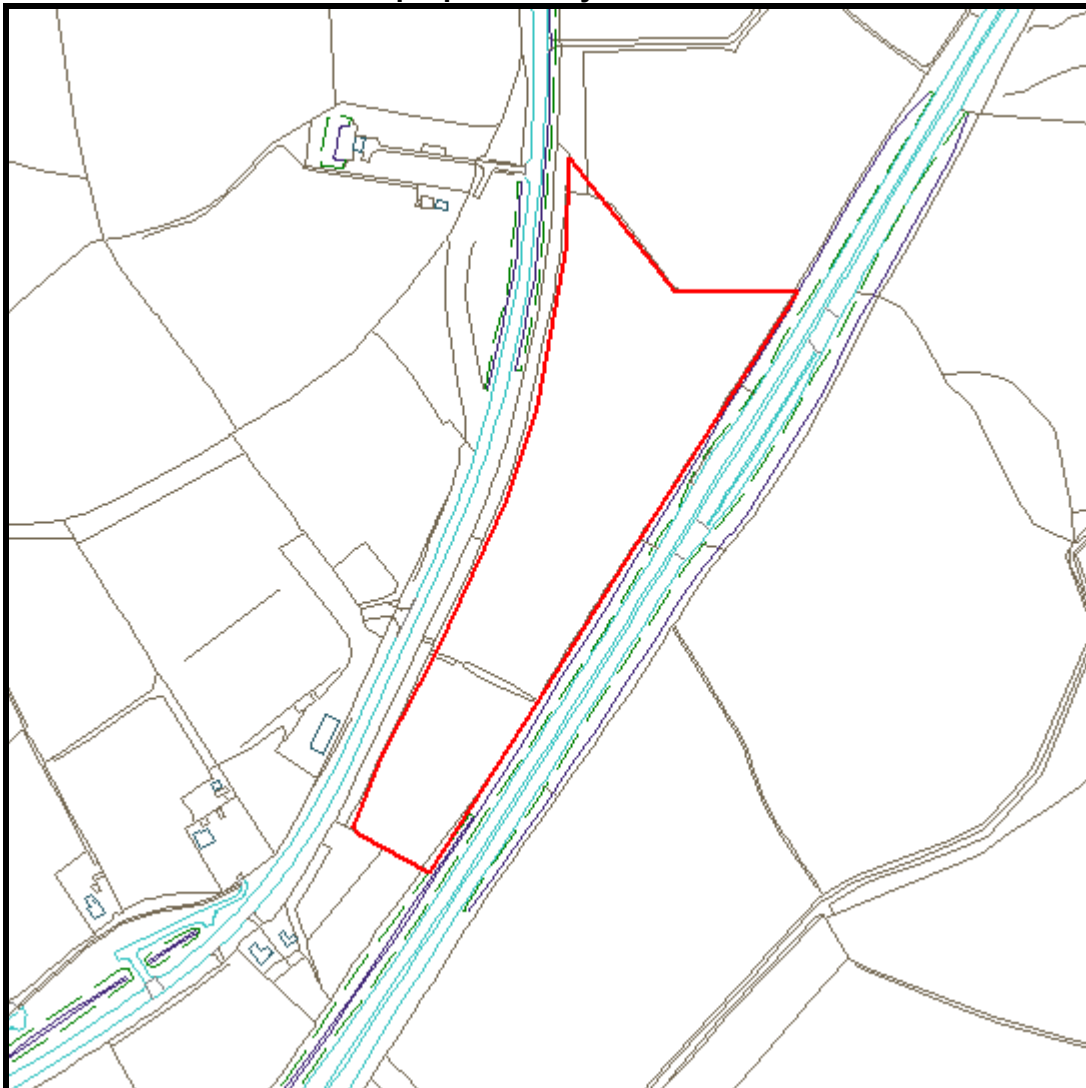
**Date Registered
26 September 2014**

**Case Officer:
Sarah Worrall**

**Target Decision Date
26 December 2014**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

This application has not been called in but is brought to the Planning Committee for consideration since Councillor Blunt is an agricultural tenant of the site.

Proposal

This is a full application for the erection of a 2.8 MW solar farm over a 5ha site. The application information submits that the site would essentially be split into two parcels with the access way separating the parcels. Modules would be fixed to arrays that would be arranged in a linear form down the site in rows. The arrays would be laid out west-east to allow the modules to face south and be angled towards the sun at approximately 30 degrees to optimise photovoltaic capture. The proposal would also include the erection of No.2 inverter cabins and No.1 transformer cabin towards the western boundary. Security fencing would be required in addition to CCTV cameras as part of the scheme. Revised information of surface water drainage plans was submitted on 14 November 2014 and comments from the Environment Agency on the plans are awaited.

Consultations

Members will note that no representations from local residents have been received. All statutory consultees, with the exception of the Environment Agency at the time of writing this report, are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition.

Planning Policy

The proposed development would form a renewable energy development in the countryside, but would also represent farm diversification of an existing agricultural operation and would, therefore, be in accordance with the requirements of Countryside Policy S3 of the Adopted Local Plan. Technical reports to address agricultural land classification, heritage assets, landscape and visual impact, highway safety, flood risk and ecological matters have been submitted as part of the application and assessment of these in relation to national and development plan policies is set out in detail in the main report.

Conclusion

The proposed development would have no adverse visual or landscape character or heritage asset impact, and there would be no adverse impact on residential amenities, highway safety or the highway network, or flora and fauna. The impact on surface water drainage will be assessed by the Environment Agency and reported on the Update Sheet. As such, the proposed solar farm would be in accordance with national and development plan policies and approval is recommended.

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS, revised Environment Agency comments, and subject to no objections being received prior to the expiry of the site notice on 7 December 2014

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

Main Report

1. Proposal and Background

This is a full application for the erection of a 2.8MW solar farm over a 5ha site which is currently used as agricultural land. The site slopes down from east to west and borders the A42 on the eastern boundary. A small parcel of agricultural land adjoins the site to the south and Lount Meadow woodland is situated to the north of the site. Nottingham Road borders the western boundary of the site. The land is rough pasture ground

The solar farm would be comprised of photovoltaic solar panels fixed on poles, and at an angle between 18 and 30 degrees. This angled positioning would form a minimum height of some 0.9m from the ground level to the base of the panels, and a maximum height of 2.5m at the top of the panel.

Modules would be fixed to arrays that would be arranged in a linear form across the site in rows. The arrays would be laid out west-east to allow the modules to face south and be angled towards the sun between 18 and 30 degrees to optimise photovoltaic capture whilst taking into account changes in land levels.

No.2 inverter units, and No.1 transformer cabin, would be required as part of the proposal and these would be dispersed along the western boundary of the site with one inverter to serve each parcel and the switchgear unit to serve the site. No details of the cabins have been submitted but these are typically some 6m long x 3m wide with a height of some 3m. The submitted plans show that these would be situated towards the western boundary which is well screened with mature hedgerow and trees.

Fencing around the site is required for security purposes and deer fencing is proposed around the site. The site would have a gated access, and the vehicular access to the site would be from Nottingham Road. A construction compound and parking area would be formed within the development site, and the parking area would be retained for future maintenance vehicles.

A planning statement including a design and access statement and statement of community involvement, a landscape and visual appraisal, an ecological appraisal and protected species surveys including a Phase 1 habitats survey and a Phase 2 Great Crested Newt survey, an archaeological assessment, a geophysical survey, a flood risk assessment and River Mease SAC statement and coal mining risk assessment have been submitted as part of the application.

Revised information was submitted on 11 November 2014 requesting consideration of the removal of the boundary trees and vegetation. Following discussions with the District Council this information was retracted on 18 November 2014 and is not for consideration as part of the current application.

Planning History

There is no relevant planning history for the site

2. Publicity

8 no. neighbours have been notified.

Site Notice displayed 13 October 2014

Press Notice published 22 October 2014

3. Consultations

Ashby De La Zouch Town Council consulted 113 October 2014
Head of Environmental Protection
County Highway Authority
Environment Agency
Severn Trent Water Limited
Natural England
NWLDC Tree Officer
County Archaeologist
LCC ecology
Airport Safeguarding
South Derbyshire District Council

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Ashby de la Zouch Town Council - supports the application.

East Midlands Airport - no comments received.

Environment Agency - no objection subject to condition.

Leicestershire County Council - Archaeology - no comments received.

Leicestershire County Council - Ecology - no objection subject to condition

Leicestershire County Council - Highways - no objection subject to conditions

Natural England - no objection.

NWLDC Environmental Protection Officer - no comments received.

NWLDC Tree Officer - no objection subject to the existing boundary trees and vegetation being retained.

Severn Trent Water Limited - no comments received.

South Derbyshire District Council - no objection to the proposal.

South Derbyshire District Council -

Third Party Representations

The Statement of Community Involvement advises that a public exhibition was held at Ashby Town Council on 11 September 2014. No representations have been made from residents or other third parties in relation to the scheme.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy

Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 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.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking which include:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 97 within the NPPF states that to help increase the use and supply of renewable and low carbon energy, Local Planning Authorities (LPAs) should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. It says LPA's should:-

- have a positive strategy to promote energy from renewable and low carbon sources
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources
- support community-led initiatives for renewable and low carbon energy, including development outside such areas being taken forwards through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat

customers and suppliers.

Paragraph 98 within the NPPF states that when determining planning applications, local planning authorities should:-

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. (Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas).

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

Paragraph 119 states that 'The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined;

Paragraph 123 indicates that planning policies and decisions should aim to:

- avoid noise from giving rise to the significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put them on because of changes in nearby land uses since they were established;

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within

its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional; Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional;

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use;

Paragraph 188 outlines that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community;

Paragraph 189 states that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they do offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan:

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T20 seeks to prevent development that would adversely affect the operational integrity or safety of East Midlands Airport.

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance:**The Habitat Regulations**

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

Planning Practice Guidance- 2014

The PPG provides guidance on renewable and local carbon energy the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms. The information and advice can be given some weight and used as a reference guide when considering applications relating to renewable energy.

6. Assessment**Principle of Development**

The application site is located outside the limits to development where permission for new development would not normally be granted unless it is for certain uses as set out under Saved Policy S3 of the Local Plan.

The supporting information states that the proposal is a diversification opportunity for an agricultural operation. As such, the proposal can be considered to be a farm diversification scheme and would fall within category (b) of Policy S3.

The overarching principle of the NPPF is to protect the countryside, but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development: - economic; social; and environmental. There is support and encouragement for sustainable development and the sensitive exploitation of renewable energy sources within the NPPF.

Paragraph 97 of the NPPF outlines that Local Planning Authorities should "recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources" in order to help increase the use and supply of renewable energy, and one of the core planning principles at Paragraph 17 of the NPPF is that decisions should "support the transition to a low carbon future and encourage the use of renewable resources (for example by the development of renewable energy)."

At Paragraph 98 it also states that "applicants should not be required to demonstrate the overall need for renewable energy and that planning applications should be approved if their impacts are or can be made acceptable." Notwithstanding Paragraph 98, since the introduction of the Planning Practice Guidance, this now confirms that the local planning authority would need to consider the energy generating potential. The scheme proposes a 2.8MW solar farm which would provide enough electricity for an average consumption for 500 dwellings.

In the circumstances that the NPPF supports proposals which provide energy from renewable energy, as well as the fact that Policy S3 of the Local Plan would support renewable energy projects in the countryside, it is considered that the overall principle of the solar farm scheme would be acceptable.

In summary, there is specific planning policy support for the development of renewable energy projects both at national, and local level and it is considered that the proposed installation of the solar farm would provide a valuable contribution to the overall output of renewable energy within the area and thus will be consistent with the intentions of national and local planning policy. As such, whilst the proposed development is in principle acceptable when considered against relevant countryside policies, this must be carefully balanced against all other material planning considerations.

Environmental Value of the Land

The Planning Practice Guidance states that the local planning authority will need to consider encouraging the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value, and where a proposal involves greenfield land, whether

- i. the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and
- ii. the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays."

In addition, 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 (ALC). The site is identified on the Natural England ALC maps as being Grade 4 land which is poor. As such, the site does not comprise BMV agricultural land. Notwithstanding this aspect, the application includes information relating to alternative brownfield site options and provides justification as to why those are not feasible alternatives.

Furthermore, the nature of the development means that it would cause minimum disruption since posts are inserted into the ground with panels mounted on top so there would be no significant development impact on the majority of the site. In addition, the use would be temporary for a maximum of twenty five years so the agricultural land would not be lost since the scheme would be reversible. It is proposed that the land could still be used for grazing purposes with the solar panels in place. Wildlife friendly meadow planting is proposed around the edges of the site too.

In a speech by the Minister for Energy and Climate Change to the solar PV industry on 25 April 2013, it was stated that:- *"Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation.*

Overall it has been demonstrated that the land is not of high environmental value, and that the proposal could allow for continued agricultural use or biodiversity planting. The scheme encourages biodiversity improvements, in conformity with the advice within the Planning Practice Guidance. As such, on balance, it is not considered that there would be an adverse impact on the environmental value of the site.

Impact upon the Visual Landscape

The site lies in the countryside outside the Limits to Development of Ashby de la Zouch or Lount. Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 97 of the NPPF supports this, stating that cumulative landscape and visual impacts of renewable energy sources should be addressed.

For clarity, Landscape Impacts and Visual Impacts will be considered separately below.

Landscape Impacts

Landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape and is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

The Planning Practice Guidance sets out that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

The solar farm proposal is medium-scale and would be formed within two parcels of land in order to retain the existing field layout, and associated boundaries. In addition, the lie of the land provides for some natural screening since the land slopes down from the A42 which is set at a higher level than the lower sections of the site to the west and adjacent to Nottingham Road. Existing boundary trees and hedgerows would be retained and would also provide additional screening. As such, there would be some change to the landscape character of the development site but this would not be significant, and would also be temporary so there would be no adverse impact on the landscape character of the site or its surroundings.

Visual Impacts

Visual Impacts concern the degree to which proposed renewable energy development will become a feature in particular views and the impact this has upon the people experiencing those views.

The site is relatively small in wider panoramic views from afar, and the proposed development would have minimal impact on the views to and from the site. The lie of the land and natural vegetation as screening would also ensure views at a more close proximity, e.g. from the nearby footpaths and A42, would not be unduly affected as a result of the proposal.

The Planning Practice Guidance also goes on to state that local planning authorities should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges. The existing landscaping would ensure that screening would be maintained, thereby mitigating any adverse impact on views into the site from users of the A42 or Nottingham Road. It is recommended that a landscaping scheme be secured by condition to ensure a full comprehensive landscaping scheme, and that the approved scheme landscaping scheme is maintained for a period of five years from the date of planting.

Cumulative Landscape and Visual Impacts

The Planning Practice Guidance states that the approach to assessing cumulative landscape and visual impact of large scale solar farms should be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that

with effective screening and appropriate land topography the area of zone of visual influence could be zero. Further applications for solar farms are being considered by the District Council and schemes at land south of Babelake Street, Packington, Prestop Farm and land west of Walnut Yard at Diseworth have been approved.

When having regard to the relatively low level nature of solar farms in general, combined with the distances between this site, and the nearest other proposed solar farms it is not considered that the proposals would contribute to an overall impression of a landscape with solar farms. Therefore, the overall impact in terms of sequential cumulative effects would be less than significant and no further consideration on this matter is therefore required.

Impact upon Residential Amenity (Noise)

The nearest dwellings are off Nottingham Road to the west of the site and all dwellings are a substantial distance away from the solar farm development. As such, there would be no adverse impact on residential amenities as a result of any noise emanating from the inverter and transformer cabins when operational. Any alarm system for security purposes could be silent, and it is recommended that a condition be attached to this aspect should the application be approved.

As such, there would be no adverse impact on residential amenities and the proposal would comply with Policy E3 of the Adopted Local Plan.

Impact upon the Historic Environment

The Planning Practice Guidance states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.

A heritage statement has been submitted as part of the application and this, along with the conclusions of the landscape and visual impact assessment demonstrate that there would be no adverse impact on heritage assets at Coleorton Hall, Staunton Hall, Breedon on the Hill, listed buildings at Eastern and Western Old Parks on Nottingham road, or any nearby scheduled monuments.

The proposed solar farm is not considered to result in substantial harm to the significance of heritage assets and as such is considered to be determined in accordance with the aims of Paragraph 134 of the NPPF which concludes that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." It is considered that the provision of the solar farm would provide some public benefits given that the proposal would generate energy from a renewable source assist the wider public interest of tackling climate change by reducing carbon emissions. Furthermore, the proposal would represent farm diversification and help reduce the farming costs for the landowner. Overall, taking all the above matters into account, it is considered that the proposal would not conflict with the principles of Paragraphs 131, 132 and 134 of the NPPF.

Drainage and Flood Risk

The application has been accompanied by a Flood Risk Assessment due to the size of the application site. The Environment Agency raised objection to the proposal on the grounds that further information regarding surface water drainage would be required. This information was received on 14 November 2014 and revised comments from the Environment Agency confirm it has no objection subject to condition.

Protected Species and Ecology

The application has been accompanied by a Great Crested Newt Survey and Extended Phase I Habitat Survey which have been considered by the County Ecologist who has no objections to the scheme. The County Ecologist is satisfied that the layout protects boundary features and adjacent habitat of ecological value through buffer zones and biodiversity enhancements. A condition relating to a badger survey is recommended on the basis that badgers use the site and whilst they have no setts there at present they may excavate in the future. It is also recommended that a landscape management plan and layout plan are conditioned to ensure the development is carried out in accordance with the submitted details.

In summary, the County Ecologist has been consulted on the application and is satisfied with the conclusions and recommendations reached within the submitted reports and subject to the imposition of conditions the County Ecologist raises no objections to the proposal. Overall, it is considered that the proposal would accord with the aims of Paragraphs 118 and 119 of the NPPF, the Habitats Regulations and Circular 06/05.

Aviation

The Planning Practice Guidance states that authorities need to consider the proposal's visual impact of glint and glare in respect of aircraft safety. A glint and glare report has been submitted as part of the application.

The scheme has been considered by East Midlands Airport which confirms it has no objection to the proposed development.

Highways Issues

The existing access to the site would be improved and utilised for construction vehicles and subsequently for maintenance vehicles.

An area of hard standing for access and parking would be formed for use during the construction phase and subsequent maintenance activity. This would be included within the site near to its main access. A construction traffic management plan has been submitted as part of the application and the Highway Authority have requested a condition be attached to any permission granted to ensure that construction traffic can be routed appropriately.

As such, subject to the imposition of highways conditions, the proposal would be acceptable in highways terms and would comply with the provisions of Policy T3 of the Local Plan and the NPPF.

Decommissioning

The Planning Practice Guidance advises that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.

It is considered that a de-commissioning condition be attached which would secure the full details of the method undertaken to remove the modules once they are at the end of their life (in addition to restoration works) and should any module which should become damaged or need to be replaced in the meantime should be carried out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. In addition, conditions relating to the installation and maintenance, including a log book to be kept, are also suggested.

Conclusion

In conclusion, the NPPF clearly states that the purpose of planning is to help achieve

sustainable development and that development that is sustainable should go ahead without delay - a presumption in favour of sustainable development should be the basis of every decision.

There is specific planning policy support for renewable energy projects at both nation and local level. In the circumstances that the proposal would accord with the aims of Policy S3 of the Local Plan, as well as the fact that the NPPF does not explicitly prevent renewable energy proposals from being located within the countryside, it is considered that the principle of the development would be acceptable. It is, however, considered that these positive benefits of renewable energy of the proposed development must be carefully balanced against the potential harmful impacts.

The scheme has been assessed and is not considered to give rise to any adverse impacts upon the landscape and visual amenity of the area, drainage and flooding, areas of historical and designated landscapes, protected species, residential amenity, or aviation and nor is the scheme considered to result in any other material impacts, that would indicate that the proposal is not in compliance with local development plan policies and overarching government guidance.

Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS, revised Environment Agency comments, and subject to no objections being received prior to the expiry of the site notice on 7 December 2014

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be undertaken in accordance with the approved plans as follows:

Drawing Number 3830_004 - Site location plan; and,
Drawing Number 3830_005 - Site layout plan.

Reason - for the avoidance of doubt and in the interests of proper planning.

- 3 The solar panels hereby approved shall not be sited higher than 2.5 metres above ground level.

Reason - for the avoidance of doubt and in the interests of visual amenity.

- 4 The alarm system shall be silent at all times.

Reason - in the interests of residential amenities.

- 5 All cables within the development site shall be set underground.

Reason - in the interests of visual amenity.

- 6 Notwithstanding the approved details, no development shall commence until full dimensions and details, including colour finishes, of the PV panels, brackets, substation, transformer units and inverter units, CCTV cameras and mounting poles, and security fencing and gates have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained as such for the life of the development.

Reason - in the absence of full details and in the interests of visual amenity.

- 7 No development shall commence until full comprehensive soft landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- a) Proposed species rich grassland across the whole site;
 - b) Proposed native hedgerow planting;
 - c) Schedules of all planting, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate; and,
 - d) Implementation and management programme.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason - in the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

- 8 Removal and management of all hedges shall be undertaken outside the bird-nesting season March-September.

Reason - in the interests of protected species on the site.

- 9 No development shall commence until a badger survey has been undertaken and submitted to and agreed in writing by the Local Planning Authority.

Reason- In the interest of protected species.

- 10 No development shall take place until a surface water management scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The management scheme should demonstrate the surface water run-off generated up to and including the 100 plus 20% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Limiting the discharge rate and managing the surface water run-off generated by all

rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. (As outlined within the approved Flood Risk Assessment (FRA) Issue 4, dated 14 November 2014, Ref: R/C14679/001.04, undertaken by Hydrock).

- Detailed design (plans, cross, long sections and calculations) in support of any surface water management scheme, including details on any attenuation system/s, and the outfall arrangements.

- Details of how the on-site surface water management systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason- To prevent the increased risk of flooding, both on and off site.

- 11 No development shall commence until a method statement/mitigation plan to protect the Great Crested Newt population on site has been submitted to and agreed in writing by the Local Planning Authority, and this shall be undertaken for each phase of installation. Update surveys should be carried out should two years elapse before the start of any phase of installation.

Reason - in the interests of protected species on the site.

- 12 Should development not start for three years since the last survey (late 2013) an updated badger survey will be required to be submitted.

Reason - in the interests of protected species on the site.

- 13 Written confirmation of the date of the first export of electricity to the grid shall be provided to the Local Planning Authority within one month of the date of this taking place.

Reason - to ensure that a record can be kept of all operational PV panels.

- 14 The solar panels hereby permitted shall be maintained twice yearly. A log book should be kept of the maintenance of the solar panels and should be available for inspection at any time by the Local Planning Authority.

Reason - to ensure the panels are checked and maintained in the interests of visual amenity and to ensure that that best practices are maintained.

- 15 No development shall commence until a Removal Method Statement shall be submitted to and approved in writing by the Local Planning Authority in the event any PV module needs to be removed or replaced before the expiry of this planning permission, other than in accordance with condition 16 (decommissioning). The removal or replacement of any module shall be carried out in compliance with the approved Removal Method Statement

Reason - to ensure best practices throughout the removal phase of the development.

- 16 The planning permission hereby granted is for a period of 25 years from the date of the first export of electricity to the national grid. After that time the use shall cease and the

PV panels and associated equipment and infrastructure shall be removed from the site in accordance with condition 16 (decommissioning).

Reason - the planning application has only been made for a 'life span' of 30 operational years to prevent unnecessary clutter.

- 17 No later than one year before the expiration of the planning permission, or not more than 6 months from permanent cessation of the exporting of electricity to the national grid if earlier, a Decommissioning Method Statement shall be submitted for the written approval of the Local Planning Authority. This shall include details of:-
- a) decommissioning and works for the removal of the PV panels
 - b) decommissioning and works for the removal of all other ancillary equipment and structures
 - c) the depth to which the PV panels and ancillary equipment would be dismantled and removed from site
 - d) method of removal
 - e) works for the restoration of the site
 - f) timetable of works.

The Decommissioning Method Statement shall be carried out as approved.

Reason - the planning application has only been made for a 'life span' of 25 operational years to prevent unnecessary clutter.

- 18 No development shall commence on site until the full details of the temporary site and construction traffic parking and manoeuvring compound and permanent maintenance vehicle parking area have been submitted to and agreed in writing by the Local Planning Authority.

Reason - in the interests of visual amenity and protected species.

- 19 Details of satisfactory access arrangements shall be submitted to the LPA for approval in writing; before the development commences, the approved means of access shall be provided.

Reason- To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 20 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking and turning facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason- To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 21 Before the development commences, visibility splays of 2.4 metres by 215 metres shall be provided at the junction of the access with Nottingham Road. These shall be in accordance with the standards contained in the current County Council design guide. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason- To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 22 Before the development commences, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary.

Reason- To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 23 Before the development commences, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

Reason- To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 24 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as to open inwards only.

Reason- To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development 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 2010 (as amended).
- 2 On the basis of the submitted plans, the details of access width and gates set back distance do not comply with the above conditions or will not be acceptable. Before development commences, an amended plan and details of vehicle tracking should be submitted to and approved by the Local Planning Authority. 2 vehicles must be able to pass one another at the access.

- 3 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning Team. For further information you are advised to visit the County Council website (www.leics.gov.uk/6CSDG), or email roadadoptions@leics.gov.uk
- 4 If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign in the Highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Area Managers' staff (contacts as below) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work (telephone 0116 3050001).
- 5 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

Two storey side extension consisting of a residential annexe

**Report Item No
A7**

Ambro Mill Slade Lane Wilson Melbourne

**Application Reference
14/00934/FUL**

**Applicant:
Mr & Mrs Guildford**

**Date Registered
27 October 2014**

**Case Officer:
Mr John Somers**

**Target Decision Date
22 December 2014**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

This application is brought to the Planning Committee as the agent for the application is related to three serving Councillors (Caroline Large, Charles Meynell and Richard Blunt).

Proposal

Planning permission is sought for the erection of a two storey side extension to the existing dwelling for the purpose of a residential annexe. The site is located on the outskirts of the settlement of Wilson, within land designated as 'open countryside.' The dwelling is not visible from the road, being setback 265 metres and accessible via a private driveway. The closest neighbours are to the north of the dwelling, which are some 300 metres away. The existing Ambro Mill dwelling once was a larger building, however has recently suffered a chimney fire which resulted in demolition of part of the eastern section of the building. An extension is proposed to the remaining eastern facade of the existing dwelling for the purposes of a residential annexe so that the parents of the applicant can live with the applicants.

Consultations

As there are no adjacent residential properties, the application was advertised via a site notice placed on Slade Lane at the front of the driveway for 21 days. The expiry date of the site notice is the 6th December 2014. No submissions have been received at the writing of this report, however any submissions will be reported to the Planning Committee on the Update Sheet.

The application was also referred to the Breedon on the Hill Parish Council and NWLDC's Archaeologist. No responses have been received at the writing of this report, however any comments will be reported to the Planning Committee.

Planning Policy

Although the proposal is located within land designated as 'open countryside', the use as a residential annexe is appropriate as it is residential in nature and is to be used in association with the existing dwelling. The extension is marginally larger than the existing dwelling's footprint before the fire, with the design, scale, materials used being appropriate to the setting of the building. It is considered that the application would be compliant with the concept of sustainable development of the NPPF as well as compliance with Saved Policies S3, E3, E4, T3 and T8 of the North-West Leicestershire Local Plan.

Conclusion

The report indicates that the subject site is an isolated dwelling located within open countryside. The dwelling is not listed, however contains an archaeological record of the site, and further feedback from the Archaeological team is awaited. Although further conditions may be imposed from Archaeology, this designation is not considered to affect the granting of planning permission.

Although the dwelling is located in the open countryside, the residential use of this site has already been established. A previous fire destroyed part of the eastern section of the building, and the proposed extension would be constructed in the same location, albeit marginally larger than the existing footprint. The application is supported by a letter from the doctor of the intended residents which are the parents of the applicant. The letter states that both parents are in fairly good health, however have chronic medical conditions which will mean that in later life they would require suitable accommodation and care as they get older. The proposed annexe would contain facilities such as kitchen, bedroom, bathroom and living area, and is also connected to the main dwelling for access to any other facilities and would be part of the

existing dwelling. A planning condition would ensure that the annexe is only used for purposes in association with the main dwelling. Although it is important to consider new development in sustainable locations, the fact that the residents of the annexe will have immediate access to their family will ensure that proper care, transport and medical assistance is given to the family members if needed.

The proposed residential annexe is not visible from the street and is appropriately setback from surrounding neighbours, the closest of which is 300 metres away. The annexe follows a similar footprint to the existing dwelling before the fire and would not result in any detrimental amenity impacts to surrounding residents. The resultant design and scale of the residential annexe is appropriate to its setting and utilises materials which will not detract from the appearance of the existing dwelling. The annexe includes land for 2 vehicles to be parked, as well appropriate turning heads to allow vehicles to enter and exit the property safely. Taking the above into account, it is considered that the application would be in compliance with the NPPF and Saved Policies S3, E3, E4, T3 and T8 of the North-West Leicestershire Local Plan.

It is therefore recommended that the application is approved.

RECOMMENDATION - APPROVE; and delegated authority is given to the Director of Services to apply any additional conditions received from consultees during the consultation period

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, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of a two storey side extension for the purpose of a residential annexe. The existing dwelling consists of a two storey brick dwelling with a slate roof which is rectangular in shape and runs north to south, and has a projecting wing protruding from the eastern facade. The topography of the land at the dwelling is varied, with the existing dwelling cut into the slope of the land, with land to the north-west of the dwelling approximately 2.6m taller than the ground level of the dwelling. The existing dwelling is accessed via a private driveway off Slade Lane which is approximately 250 metres long. As a result of a chimney fire, approximately a 56Sqm footprint of the eastern part of the building has been demolished.

The residential annexe is constructed in a rectangular building running north-south and joins the existing dwelling via the protruding eastern wing of the existing dwelling. The annexe is proposed to be two storey, have dimensions of 13.71 metres x 4.94 metres and will have an eave height of 4.3 metres and a ridge height of 6.7 metres. Due to the difference in topography, the annex will contain an entrance via a bridge to the east to the first floor level to the ground which is 2.6 metres taller than at the front of the property. The proposed annexe would have a footprint of 67Sqm.

2. Publicity

No neighbours have been notified.

Site Notice Posted

3. Consultations

Breedon On The Hill PC consulted

County Archaeologist consulted 19 November 2014

4. Summary of Representations Received

The application was advertised to surrounding neighbours by letter, as well as a site notice placed for 21 days. The expiry date of the site notice is the 6th December 2014. No submissions have been received at the writing of this report, however any submissions will be reported to the Planning Committee.

The application was also referred to the Breedon Parish Council and NWLDC's Archaeologist. No responses have been received at the writing of this report, however any comments and/or proposed conditions will be reported to the Planning Committee.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:
- always seek to secure high quality design and a good standard of amenity;
 - take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - support the transition to a low carbon future in a changing climate;
 - contribute to conserving and enhancing the natural environment and reducing pollution; and
 - take account of and support local strategies to improve health, social and cultural wellbeing.
- The sections of the NPPF that are relevant to this application are:
- Chapter 7 Requiring Good Design;
 - Chapter 8 Promoting Healthy Communities;
 - Chapter 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change;

The NPPF (Para 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.

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

North West Leicestershire Local Plan

Policy S3 sets out the circumstances in which development will be permitted outside the 'limits to development.'

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy T3 requires appropriate circulation of vehicles within site in order to not impact upon highway safety.

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

6. Assessment

Principle of the Development and Sustainability

The principle of residential use of the site has already been established by the existing dwelling. The proposed residential annexe is ancillary to the use of a dwelling, and it is therefore

appropriate that a condition on the decision notice be imposed to ensure that the use of the annexe will remain ancillary to the use of the dwelling. Taking this into account, the proposal is compliant with Saved Policy S3 of the North-West Leicestershire Local Plan.

Amenity

The proposed annexe will be located in a relatively isolated location where the closest neighbour is approximately 300 metres to the north which is an appropriate distance to not cause any detrimental amenity impacts to the surrounding area. Taking this into account, the proposal is compliant with Saved Policy E3 of the North-West Leicestershire Local Plan.

Design

The annexe follows a similar footprint to the existing dwelling before the fire and continues various elements such as roof height, and materials to that of the existing dwelling. The resultant design and scale of the residential annexe is appropriate to its setting and utilises materials which will not detract from the appearance of the existing dwelling. Given that the proposed location was where a previous component of the building once stood, there would be no adverse impacts as a result of openness of the countryside. Taking this into account, the proposal would comply with Saved Policy E4 of the North-West Leicestershire Local Plan.

Parking and Highway Safety

The annexe includes space for 2 vehicles to be parked, as well appropriate turning heads to allow vehicles to enter and exit the property safely. Taking this into account, the proposal is compliant with Saved Policies T3 and T8 of the North West Leicestershire Local Plan.

Other Considerations

The need of the annexe has been established by a letter written by the doctor of the intended applicants. The letter states that both parents are currently in fairly good health, however have chronic medical conditions which may mean that their health deteriorates later in life so that they would require suitable accommodation and care. It is considered that these are appropriate reasons to demonstrate a need for the residential annexe at the above site.

Conclusion

The report indicates that the subject site is an isolated dwelling located within open countryside. The dwelling is not listed, however contains an archaeological record of the site, and further feedback from the Archaeological team is awaited. Although further conditions may be imposed from Archaeology, this designation is not considered to affect the granting of planning permission.

Although the dwelling is located in the open countryside, the residential use of this site has already been established. A previous fire destroyed part of the eastern section of the building, and the proposed extension would be constructed in the same location, albeit marginally larger than the existing footprint. The application is supported by a letter from the doctor of the intended residents which are the parents of the applicant. The letter states that both parents are in fairly good health, however have chronic medical conditions which will mean that in later life they would require suitable accommodation and care as they get older. The proposed annexe would contain facilities such as kitchen, bedroom, bathroom and living area, and is also connected to the main dwelling for access to any other facilities and would be part of the existing dwelling. A planning condition would ensure that the annexe is only used for purposes in association with the main dwelling. Although it is important to consider new development in sustainable locations, the fact that the residents of the annexe will have immediate access to their family will ensure that proper care, transport and medical assistance is given to the family members if needed.

The proposed residential annexe is not visible from the street and is appropriately setback from surrounding neighbours, the closest of which is 300 metres away. The annexe follows a similar footprint to the existing dwelling before the fire and would not result in any detrimental amenity impacts to surrounding residents. The resultant design and scale of the residential annexe is appropriate to its setting and utilises materials which will not detract from the appearance of the existing dwelling. The annexe includes land for 2 vehicles to be parked, as well appropriate turning heads to allow vehicles to enter and exit the property safely. Taking the above into account, it is considered that the application would be in compliance with the NPPF and Saved Policies S3, E3, E4, T3 and T8 of the North-West Leicestershire Local Plan.

It is therefore recommended that the application is approved.

RECOMMENDATION - PERMIT, subject to the following conditions; and delegated authority given to the Head of Planning to apply any additional conditions received by consultees during the course of the consultation period;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall be carried out and completed strictly in accordance with the approved details to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority:
 - Proposed OS & Block Plans; Dated 06.10.14, Drawing Number P001, Rev B;
 - Proposed Elevations, Dated 27.09.14, Drawing Number P004, Rev A;
 - Proposed Floor Plans, Dated 27.09.14, Drawing Number P003, Rev A;
 - Proposed Plans & Elevations, Dated 27.09.14, Drawing Number P002, Rev A
 All plans drawn by RT of Turner and Co Consulting Ltd

Reason- To ensure complete and proper development of the site.

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

- 4 The development hereby approved shall be occupied solely by members of the household of the principal dwelling (Ambro Mill, Slade Lane) or their dependents, and shall not be severed from the principal house as a separate and unconnected dwelling.

Reason - to define the terms of this permission for the avoidance of any doubt, and the creation of an additional dwelling may be unacceptable in this location.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning

Authority has therefore acted pro-actively to secure a sustainable form of development 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 2010 (as amended).

Formation of an access ramp for use by disabled persons with the erection of a steel handrail, from Ibstock High Street car park into the Community College Leisure Complex and installation of dropped kerb compliant with Disability Regulations.

**Report Item No
A8**

Ibstock Community College Central Avenue Ibstock Coalville

**Application Reference
14/00976/FUL**

**Applicant:
Miss Joanne Fairbrother**

**Date Registered
25 September 2014**

**Case Officer:
Anna Edwards**

**Target Decision Date
20 November 2014**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Proposal

This is an application for full planning permission for the formation of an access ramp for use by disabled persons with the erection of a steel handrail, from Ibstock High Street car park into the Community College Leisure Complex and installation of dropped kerb compliant with disability regulations at Ibstock Community College, Central Avenue, Ibstock.

The subject site forms part of the Ibstock Community College grounds, the Leisure Complex is situated to the eastern side of the grounds. To the southern side of the Leisure Complex is Ibstock High Street car park. There is an existing access from the northern side of the car park to the Leisure Complex, however it is proposed to form an access ramp that will be suitable for use by disabled persons. The proposal includes the formation of a dropped kerb some 2.0 metres in width to the northern edge of the car park and the installation of hand rails. The proposed access ramp will be some 12 metres in length, the path will be slabbed and a steel handrail of 0.90 metres in height will be erected to the western side and the existing 0.70 metre high kick fence will be re-aligned to the east. The gradient of the ramp will be 1:12.80.

Consultations

Members will see from the report below that locally, there have not been any objections from neighbours and in relation to the technical issues on the site, no objections have been received from Leicestershire County Council Highways Authority. 3 no. letters of support have been received in respect of the application.

Planning Policy

The development is considered to comply with the relevant policies of the Development Plan as well as guidance contained within the National Planning Policy Framework.

Summary Reasons for Granting Planning Permission

The site is located within the limits to development where the principle of development is considered acceptable subject to impacts upon amenity, design, highway safety and compliance with the relevant policies of the Local Plan and other material considerations. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, E4, T3 and T8. It is therefore recommended that the application be permitted.

RECOMMENDATION- PERMIT, 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, the Officer's assessment and recommended conditions, 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 application for full planning permission for the formation of an access ramp for use by disabled persons with the erection of a steel handrail, from Ibstock High Street car park into the Community College Leisure Complex and installation of dropped kerb compliant with disability regulations at Ibstock Community College, Central Avenue, Ibstock.

The subject site forms part of the Ibstock Community College grounds, the Leisure Complex is situated to the to the eastern side of the grounds. To the southern side of the Leisure Complex is Ibstock High Street car park. There is an existing access from the northern side of the car park to the Leisure Complex comprising of a small concrete ramp at the kerb and a slabbed path with a kick fence to eastern side. However it is proposed to form an access ramp that will be suitable for use by disabled persons. The proposal includes the formation of a dropped kerb some 2.0 metres in width to the northern edge of the car park and the installation of hand rails. The proposed access ramp will be some 12 metres in length (7.5 metres in a northern direction and 4.5 metres in a western direction) and 1.5 metres in width, the path will be slabbed with grey slabs and a steel handrail of 0.90 metres in height we be erected to the western side of the ramp and the existing 0.70 metre high kick fence will be re -aligned to the eastern side. The gradient of the ramp will be 1:12.80 and the existing security fence will remain in its current location.

The planning application was brought to Planning Committee as the applicant is an Authority employee.

Relevant planning history;

None

2. Publicity

14 no.neighbours have been notified (Date of last notification 27 October 2014)

Site Notice displayed 30 October 2014

3. Consultations

Ibstock Parish Council consulted

County Highway Authority consulted 28 October 2014

4. Summary of Representations Received

No letters of objection have been received from members of the public.

4. No. letters of support have been received from neighbours. The reasons for support are outlined below;

- Support for those with disability.
- Safer access.
- The proposal will enhance the current provision.

Ibstock Parish Council did not respond during the course of the application.

Leicestershire County Highway Authority made no observations.

5. Relevant Planning Policy

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

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.

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

North West Leicestershire Local Plan

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of development is considered acceptable subject to impacts upon design, amenity, highway safety and any other material considerations.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties despite not receiving any letters of representation during the course of the application. It is considered that the creation the access by dropping the kerb and installing a handrail is a minor scale development and given the substantial distance between the development and the adjacent dwellinghouses (some 27 metres) it is not considered that there would be any significant impact to the neighbouring residential amenity. Therefore, it is deemed that the development would not have any significant detrimental impact upon neighbouring

residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Design

The proposed development is considered acceptable in terms of its design. Given the location of the proposal, it is considered that the proposed access would be an improvement on the current provision, both visually and functionally. Overall, the design, appearance and scale of this proposal is acceptable and would not look out of keeping with the character and appearance of the surrounding area and is considered to be compliant with Policy E4 of the Local Plan.

Highway Safety

The proposed access will be formed onto the Ibstock High Street car park by dropping the existing kerb by a span of 2.0 metres. The dropped kerb will have no impact on the existing parking provision in the car park and the County Highway Authority made no objections to the proposal. It is therefore considered that the proposal is acceptable in terms of highways matters and the proposal would not conflict with highway safety policies T3 and T8 in the Local Plan or the advice contained in the County Council's HTD document.

Conclusion

There have been no objections to the proposed development. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, E4, T3 and T8. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Specification drawing deposited with the Local Planning Authority on 25th September 2014;

Disabled Access Plan deposited with the Local Planning Authority on 25th September 2014;

Location Plan deposited with the Local Planning Authority on 25th September 2014.

Reason- To determine the scope of this permission.

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing with the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development 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 2010 (as amended).