

---

**Employment uses (B2/B8) of up to 1,300,000 sqft (120,773 sqm approx) with associated ancillary uses and associated infrastructure, including a new access from Beveridge Lane and off-site highway improvements, earthworks and ground modelling, together with new landscaping, including habitat creation and provision of a new community woodland park (outline - all matters other than part access reserved)**

**Report Item No  
A2**

**Land At Little Battleflat Farm Beveridge Lane Coalville  
Ellistown**

**Application Reference  
13/00249/OUTM**

**Applicant:  
Paragon (Coalville)**

**Date Registered  
15 April 2013**

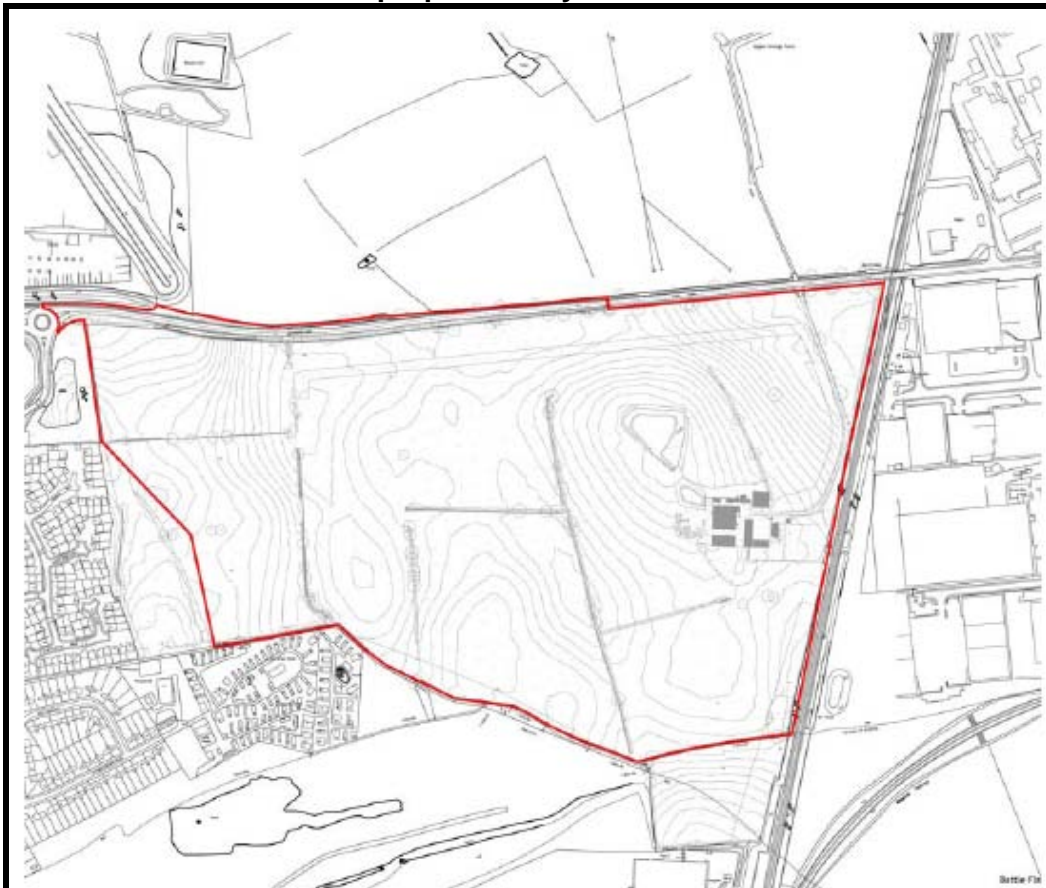
**Case Officer:  
James Knightley**

**Target Decision Date  
15 July 2013**

**Recommendation:  
DEFER**

---

**Site Location - Plan for indicative purposes only**



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

## **Executive Summary of Proposals and Recommendation**

### **Proposal**

The application seeks outline planning permission for the erection of a range of units for employment use (within Classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended)), together with associated landscaping and green infrastructure.

The application is in outline with all matters reserved save for the access insofar as it relates to the proposed vehicular access point into the site from Beveridge Lane.

### **Consultations**

Members will see from the main report below that objections have been received in respect of the proposals, including from Ellistown and Battleflat Parish Council and Leicestershire County Council.

### **Planning Policy**

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application is the supply of employment land in the context of the National Planning Policy Framework (NPPF).

### **Conclusion**

The report below indicates that, whilst the site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, having regard to the existing position in terms of employment land supply within the District and the requirement within the NPPF for Local Planning Authorities to support economic growth through the planning system, the principle of the development is considered acceptable in land use terms. Whilst concerns have been raised by neighbouring occupiers regarding a range of issues, including the impacts on residential amenity, the application is accompanied by an Environmental Statement which indicates that, subject to appropriate mitigation, these issues or other adverse environmental impacts arising from the proposed development would not indicate that planning permission ought to be refused. However, and as set out in the report, the application is subject to unresolved objections from the Local Highway Authority given the failure to demonstrate in a robust manner the likely transportation impacts of the proposals.

### **RECOMMENDATION:-**

#### **DEFER IN ORDER TO ALLOW OUTSTANDING MATTERS TO BE ADDRESSED**

**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 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 employment development (B2 general industrial and B8 storage & distribution) of a site of approximately 36 hectares to the south of Beveridge Lane currently used for agricultural purposes. Whilst some matters are reserved for subsequent approval, an illustrative masterplan has been submitted which shows:

- Employment development (uses within Classes B2 and B8 (up to 1,300,000 square feet (120,773 square metres), provided over an area of approximately 25 hectares in the format of a range of unit sizes, with the larger units located towards the eastern end of the development)
- Future rail sidings zone
- Vehicular access from Beveridge Lane
- Green Infrastructure / Landscaping / National Forest planting with public access (approximately 11 hectares)

As set out above, the application is in outline. All matters are reserved save for the access insofar as it relates to the proposed vehicular access into the site from Beveridge Lane. The remainder of the "access" matters (i.e. including circulation routes through the site itself) are reserved for subsequent approval. In terms of the scale of the development, the application documents indicate that proposed building footprints would be between 600sqm and 100,000sqm, and with building heights varying between 6 and 18 metres.

The site is located adjacent to a number of land uses, including residential, agricultural, a quarry, and the Leicester to Burton railway (beyond which is located other employment development, within the Interlink business park). The existing units within the closest part of the Interlink estate have a range of maximum heights, varying between approximately 11 and 17 metres in height (albeit located at a higher ground level than much of the existing land within the current application site).

For the reasons set out in more detail below, officers are of the opinion that the supporting information submitted in respect of the application is, at present, insufficient to enable the Local Planning Authority to come to a fully reasoned view in respect of it, and particularly in terms of the transportation impacts. However, it is understood from the applicants that, unless a decision is made in respect of the application at the earliest opportunity, a potential occupier is likely to withdraw its interest in the development, with the resulting impacts on job creation opportunities. As such, the application is presented at this stage to Members for their consideration at the specific request of the applicant.

### 2. Publicity

136 No neighbours have been notified (date of last notification 16 April 2014)

Site Notice displayed 19 April 2013

Press Notice published 24 April 2013

### 3. Consultations

Clerk To Ellistown And Battleflat Parish Council consulted 16 April 2013

County Highway Authority consulted 15 August 2013  
Highways Agency- Article 15 development consulted 15 August 2013  
Network Rail consulted 25 September 2013  
LCC/Footpaths consulted 25 September 2013  
Highways Agency- Roadside Service Area consulted 29 October 2013  
Highways Agency- Article 15 development consulted 8 May 2013  
Nicola Land Ibstock Parish Council consulted 16 April 2013  
Environment Agency consulted 16 April 2013  
Severn Trent Water Limited consulted 16 April 2013  
Head of Environmental Protection consulted 16 April 2013  
Natural England consulted 16 April 2013  
NWLDC Tree Officer consulted 16 April 2013  
County Archaeologist consulted 16 April 2013  
LCC ecology consulted 16 April 2013  
Airport Safeguarding consulted 16 April 2013  
NWLDC Urban Designer consulted 16 April 2013  
County Planning Authority consulted 16 April 2013  
LCC Development Contributions consulted 16 April 2013  
Head Of Leisure And Culture consulted 16 April 2013  
Police Architectural Liaison Officer consulted 16 April 2013  
LCC/Footpaths consulted 16 April 2013  
Highways Agency- Article 15 development consulted 16 April 2013  
National Forest Company consulted 16 April 2013  
Hinckley & Bosworth Borough Council consulted 16 April 2013  
Network Rail consulted 16 April 2013  
DEFRA consulted 16 April 2013  
FRCA (MAFF)- loss of agricultural land consulted 16 April 2013  
Ramblers' Association consulted 16 April 2013  
LCC Fire and Rescue consulted 16 April 2013

#### **4. Summary of Representations Received**

**Environment Agency** has no objections subject to conditions

**Highways Agency** directs that planning permission not be granted in view of unresolved issues relating to the potential impacts on the M1 motorway

**Leicestershire County Council Archaeologist** has no objections

**Leicestershire County Council Ecologist** has no objections subject to conditions

**Leicestershire County Council Education Authority** advises that a developer contribution in respect of education services is not required

**Leicestershire County Council Landscape Officer** has no comments

**Leicestershire County Council Library Services Development Manager** advises that a developer contribution in respect of library services is not required

**Leicestershire County Council Waste Management Authority** advises that a developer contribution in respect of civic amenity services is not required

**Leicestershire County Council Highway Authority** objects for the reasons set out in more detail under Means of Access, Highways and Transportation Issues below

**Leicestershire County Council Planning Authority** advises that the southern portion of the proposed site lies within an area designated as a mineral consultation area for clay but that, given the nature of the proposed development and the southern landscape buffer, there are no issues relating to mineral sterilisation.

**Leicestershire County Council Rights of Way Officer** requests that planning permission not be granted pending the resolution of issues in respect of the potential impacts on existing rights of way crossing the site

**National Forest Company** has no objections subject to conditions and Section 106 obligations

**Natural England** has no objections subject to conditions

**Network Rail** has no objections subject to conditions

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

**Severn Trent Water** has no objections subject to conditions

### **Third Party representations**

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

- Development not needed
- Existing industrial units remain empty
- Increased traffic
- Noise
- Adverse impact on air quality
- Loss of property value
- Area currently has low unemployment
- Loss of agricultural land
- Impact on wildlife / ecology / habitat
- Loss of trees / hedgerows
- Loss of village identity
- Contrary to adopted North West Leicestershire Local Plan Policy E21
- Coalescence of Hugglescote and Ellistown
- Contrary to Ellistown and Battleflat Parish Plan which showed that 91% of respondents did not want more employment land and 71% valued green spaces, wildlife, places to walk and tranquillity
- Contrary to emerging Core Strategy
- Inaccuracies / old data in the submitted Environmental Statement
- Flooding
- Brownfield sites should be used
- Light pollution
- Vacant land available on nearby industrial estates
- Adverse impact on rail safety
- Loss of view
- Overdominant
- Loss of light
- Insufficient landscaping

- Low skilled / paid jobs will not boost the local economy
- Site should be accessed via existing Interlink industrial estate
- Limited screening provided by proposed tree planting
- Balancing ponds would increase insect bites
- Site is in the National Forest
- Railway bridge not suitable for large volumes of heavy traffic
- UK Coal has not restored land in Ashby de la Zouch
- Insufficient infrastructure to accommodate the development (including healthcare and schools)
- Would render nearby properties uninhabitable
- Low water pressure
- Disturbance / disruption during construction works
- Will not help reduce carbon dioxide emissions
- Increased vermin

## 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."

"19 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the

need to support economic growth through the planning system."

"20 To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century."

"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."

"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."

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

"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..."

"124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

"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."

"160 Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:

- work together with county and neighbouring authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and
- work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability."

"161 Local planning authorities should use this evidence base to assess:

- the needs for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development;
- the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs..."

"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)**

The application site lies outside of Limits to Development as defined in the adopted Local Plan. No other site-specific policies apply. The following adopted Local Plan policies are considered relevant:

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, 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.

Policy T10 requires development to make provision for effective public transport operation.

Policy T13 requires adequate provision for cycle parking.

## Other Policies

### 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.

### Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the 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, the site is 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, 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 those within the National Planning Policy Framework (NPPF).

### *Employment Land Supply*

As set out under Relevant Planning Policy above, the NPPF seeks to encourage proposals for employment / business uses where such schemes would represent sustainable development. Whilst the site is located outside Limits to Development as defined in the adopted Local Plan, regard must also be had to the need to provide for sufficient employment land for new businesses.

The North West Leicestershire Core Strategy was submitted to the Secretary of State on 24 June 2013. Policy CS2 of the submission draft Core Strategy set out the overall District-wide requirement for employment land (i.e. 164 hectares), taking into account existing identified employment sites and commitments, as well as identifying an overall residual requirement of 60 hectares; Policy CS36 included for provision be made for 20 to 25 hectares of employment land in the proposed Broad Growth Location to the South East of Coalville (within which the application site fell). Following an exploratory meeting with the Planning Inspector appointed to

examine the Core Strategy, however, it was agreed to withdraw the Core Strategy and, as a result, no weight should be attributed to its provisions in this regard. However, whilst the Core Strategy itself has been withdrawn, the background evidence upon which its provisions in respect of employment land requirements were based is nevertheless considered to remain robust, and it is therefore still accepted that a need remains for the additional 60 hectares of employment land in addition to existing commitments as previously referred to in the Core Strategy. Whilst the site lies outside Limits to Development as defined in the 2002 adopted North West Leicestershire Local Plan, these Limits to Development were drawn having regard to, amongst others, employment land requirements up until the end of the Plan Period (i.e. to 2006) and, as such, less weight should be attributed to any conflict with Policy S3 in the overall planning balance. It is noted that objections have been raised on, amongst others, the grounds that there are existing employment units and sites currently vacant within the area, and this is indeed the case (and including on the adjacent Interlink business park). However, the additional employment land requirements which had been identified in the evidence base for the draft Core Strategy were for additional employment land (i.e. over and above any existing land, even if unoccupied).

#### *Contribution to Sustainable Development*

As set out above, the NPPF contains a presumption in favour of sustainable development. Having regard to the three dimensions of sustainable development, it is concluded as follows:

##### **Economic Dimension:**

The NPPF gives a very strong steer that support should be given for proposals which boost the economy and provide job opportunities. The application documents suggest that this proposal would create around 1,300 full time equivalent jobs although, given that the application is for B2 and B8 uses with no specific amount for each use, it is not known what type of jobs these will be. Given that Coalville is the largest centre of population and employment within the District, it is considered reasonable to assume that there will be a need for more employment opportunities in the Coalville area (and hence the former draft Core Strategy's proposals in respect of the significant development within the South East Coalville broad location).

##### **Social Dimension:**

The economic benefits associated with the proposed development would, by virtue of the jobs created, also be expected to provide some social benefits. Furthermore, on the basis of the proposed bus service diversion forming part of the application proposals (so as to connect the application site with services to Coalville and Leicester), this would also be considered to provide wider social benefits for those communities served by these bus services by virtue of the enhanced access to services and facilities that would result.

##### **Environmental Dimension:**

The site is identified as countryside in the adopted Local Plan. However, the Local Plan only covers the period to 2006 and so the employment requirements contained therein are not up to date. Whilst the NPPF makes it clear that sites of lower environmental quality should be preferred to those of higher value, it appears inevitable that there will be a need for greenfield sites to be released to meet future needs; furthermore, there do not appear to be any brownfield sites available elsewhere in the District of the scale of this proposed development. Further issues in respect of the environmental dimension of sustainable development are considered in more detail within the relevant sections below including, for example, issues such as the impacts on the natural and historic environment, accessibility of the site and loss of agricultural land.

Having regard to the three dimensions of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues below, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to employment land supply, would ensure that the scheme would sit well in terms of the economic and social dimensions. 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 more detail 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, public transport and cycle linkages.

#### *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.

The majority of the site lies outside Limits to Development. As such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development.

However, 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 employment land supply. Whilst the Core Strategy has been withdrawn, the evidence base used in this regard in terms of calculating the required amount of employment land within the District is considered to remain relevant, and the proposed development would make a contribution towards this. Whilst the contribution made would represent a significant proportion of the overall requirement within the District, it is not considered that there are other, more suitable, sites (in terms of their location and other credentials) elsewhere in the District which would be sufficient to meet the identified need.

Thus, overall, the proposed development of the site is considered 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 / Visual Impact and National Forest planting**

The development has been assessed in terms of its landscape and visual effects both during and after construction. The Environmental Statement identifies what the applicants' landscape consultants consider to be the site's zone of visual influence, and assesses the impacts on a range of viewpoints in the surrounding area, both in the immediate vicinity of the site and further afield. The Environmental Statement suggests that the site is of medium landscape condition and is of low / medium landscape sensitivity to new employment development. It is suggested that the site landscape is potentially tolerant of change, but that there are some valued (and relatively higher sensitivity) features (i.e. hedgerows and trees) that ought to be conserved wherever practicable within any development proposals.

The site itself currently includes arable farmland and networks of trees and hedgerows, some of which are proposed to be retained following development.

In terms of mitigation, it is noted that raised landscaped bunds are proposed in order to limit a number of the views of the proposed development, and the Environmental Statement states that the principle of the development's landscape and green infrastructure proposals is to deliver functional well designed green spaces that will offer biodiversity, landscape and recreational benefits, whilst mitigating the effects of the proposed built development. The Environmental Statement indicates that the landscape and green infrastructure proposals comprise the two key areas, namely a National Forest Community Woodland Area and perimeter greenways and landscape corridors. Within these areas the Environmental Statement indicates that there are a number of key components comprising conserved hedgerows and trees, retained and extended public rights of way, new footpaths and cycleways, SuDs features and new National Forest planting and other open space / habitats. The Environmental Statement suggests net gains as a result of the landscaping proposals as follows:

Woodland, trees and structure planting:	+4.6 hectares	
Hedgerows / Hedgerow Trees:	+1,350 metres	
Grassland / Meadow:	+4.6 hectares	
Water Features / Wet Grassland:	+1.1 hectares	
Off road footways/ cycleways (including public rights of way):		+1,400 metres

In terms of landscape impacts, the Environmental Statement considers that the effects of the completed development would lessen over time with the successful establishment and maturing of the planting and other habitat creation measures. In addition to the beneficial effects arising from the proposed landscape, the Environmental Statement suggests that the application of appropriate management and maintenance operations to the existing conserved trees and hedgerows would also deliver some minor localised and longer term benefits. It indicates that the main benefits in landscape terms would arise from the maturing of the National Forest Community Woodland area and perimeter landscape and planting proposals. The National Forest planting would, the Environmental Statement states, establish an appropriate wooded setting and buffer between the settlement edge and the built development and the other perimeter proposals would assist in forming a robust landscape setting to the scheme.

Insofar as visual effects of the development are concerned (and including the effects of the above mitigation), the Environmental Statement considers the impacts on 16 principal viewpoints. In terms of these impacts, their predicted impacts are as follows:

*Construction Phase:*

Low Negative to Medium / High Negative 1, Low / Medium Negative 2, Low Negative 2, No Discernible Change / Neutral to Low Negative 9, No Discernible Change 2

*Year 0 (following construction) (winter):*

Medium / High Negative 2, Low Negative to High Negative 1, Low / Medium Negative 2, Low Negative 1, No Discernible Change / Neutral to Low Negative 8, No Discernible Change 2

*Year 10 (summer):*

No Discernible Change / Neutral to Low Negative 10, No Discernible Change 6

Of particular significance in this case are considered to be the views from Ellistown to the west of the site, and from public rights of way. The Environmental Statement suggests that the successful establishment and maturing of the planting and habitat creation proposals would

provide some valuable improvements to a number of the receptors and including views from properties within the recently completed David Wilson Homes development off Battleflat Drive. From these locations, the Environmental Statement states, the maturing of the woodland, tree and hedgerow planting would greatly assist in screening and filtering any available views to the very highest parts of the buildings. It would also, it argues, provide an increasingly mature and attractive mosaic of habitats that will be appreciated from these existing settlement edge houses and from the existing and new footpaths in the west of the site. The Environmental Statement also suggests that the maturing of the landscape strategy proposals would provide some localised visual improvements from the public right of way and Beveridge Lane.

Insofar as National Forest planting is concerned, the National Forest Company advises that, in order to meet the relevant 30% National Forest Planting Guidelines standard, 10.8 hectares would be required; the application indicates that 11 hectares of green infrastructure would be provided and, therefore, the proposals are considered to accord with the relevant standards in respect of this requirement. The National Forest Company raises no objections to the proposals subject to the securing of various matters through conditions and Section 106 obligations, including a landscape management plan, landscape mitigation, and provision of pedestrian and cycle links.

Whilst there would clearly be some adverse impacts both during and immediately following construction of the development, the greatest impacts would be relatively limited in their extent and severity, particularly in the longer term as mitigation planting matures. In this sense, the extent of harm would be expected to reduce over time, such that, whilst there would inevitably be *changes* to the character of the area in this regard (and particularly in respect of the site itself), the adverse impacts would be limited to a degree whereby unacceptable harm would not be considered to result, particularly in view of the nature of the existing landscape quality.

The Environmental Statement also includes an assessment of the visual effects at night, having regard to, amongst others, existing night time lighting levels in the area, and the number of receptors with views to the proposals. In this respect, the Environmental Statement suggests that, by virtue of adjoining employment areas and other nearby major roads and urban uses, existing light sources occur in all directions of the site. Whilst new light sources would be introduced as part of the proposals (with the most sensitive receptors being existing residential development on the eastern side of Ellistown), the Environmental Statement states that no significant adverse night time visual effects would be expected; in terms of the most sensitive properties in the east of Ellistown, the Environmental Statement indicates that the proposed lighting columns and any wall mounted lamps within the built development area would be likely to be screened / hidden beyond the perimeter mounding and landscape proposals.

Overall in terms of visual impacts, therefore, whilst the development would be likely to be of a significant scale, by virtue of the proposed alterations to topography, the adverse impacts would be relatively limited. When taking this into account, together with the existing context of the site and other proposed mitigation, it is considered that the landscape and visual effects of the proposed development would be acceptable.

### **Ecology**

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.

The Environmental Statement provides that the closest statutorily designated site of nature

conservation interest to the application site is approximately 1.6km from the site (being the Bardon Hill Quarry Site of Special Scientific Interest (SSSI)); no other statutory sites are located within 2km. 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. There are four potential Local Wildlife Sites within 1km of the site. In terms of the various ecological features / habitat identified, these include arable, species poor semi-improved grassland, hedgerows, mature trees and waterbodies.

The effects of the development are assessed within the Environmental Statement in terms of both the construction and post-construction (operational) impacts.

Insofar as the construction effects are concerned, the Environmental Statement indicates that there would be some habitat loss, including loss of hedgerows, trees and two ponds which would have a moderate adverse effect at a local level. Insofar as the effects upon wildlife are concerned, the following conclusions are reached within the Environmental Statement:

**Birds:** Given the loss of habitat, adverse impacts are anticipated in respect of skylarks, yellowhammer and linnet, although in view of the proposed structural landscaping, the overall impacts on birds are considered to be minor adverse at a local level. In terms of disturbance to birds, the Environmental Statement indicates that, whilst there is some potential for breeding success to be reduced, habitat loss from hedgerow removal is considered to have a greater effect and the construction-related disturbance effects are not expected to affect the local conservation status of any bird using the site for breeding; the disturbance effects on birds are only expected to be short-term and temporary, and of a minor adverse effect at a site level.

**Reptiles:** Grass snake has been recorded close to the eastern boundary of the site (albeit in small numbers with no more than one snake observed on any survey occasion). The Environmental Statement therefore concludes that the effects on grass snake would be limited to a small number of individuals during vegetation clearance of habitats in the east of the site only. Due to the limited risk in terms of numbers of animals and area of suitable habitats to be lost and the availability of other habitats surrounding the site, the effects are assessed as being of a minor adverse effect at a site level (as are the construction disturbance effects).

**Bats:** Whilst the Environmental Statement suggests that the proposed development would result in a loss of habitat (removal of trees and hedgerows), it considers that the effects would be limited to minor adverse at a site level by virtue of the low level of bat activity of a limited number of common species of bat recorded using the site to commute and forage. As the bat habitat is essentially that used for commuting and foraging (and there were no roosts identified within the site), construction disturbance effects would be expected to be negligible, and would not be expected to affect the conservation status of the local bat population.

No other protected species are considered likely to be present, having regard to the findings of the Environmental Statement.

In terms of mitigation, the Environmental Statement indicates that the western part of the site would be enhanced with new grassland, wetland and woodland habitats and works to enhance the retained hedges. It suggests that the woodland planting would compensate for hedgerow removal and contribute to the Green Infrastructure proposals of the wider landscape. Insofar as biodiversity measures are concerned, the Environmental Statement provides that the proposals would include:

- Retention of perimeter and some internal existing trees and hedgerows;

- Creation of balancing facilities in the west of the site as part of a SUDs system across the site, which, the Environmental Statement suggests, would compensate for the loss of the two existing ponds;
- Creation of an area of green space and retained habitats in the west of the site; and
- Existing perimeter habitats reinforced with new native tree planting

Natural England and the County Ecologist have been consulted in respect of the application and raise no objections subject to conditions. Notwithstanding the content of the Environmental Statement, Natural England comments that the proposal is likely to affect bats, but that it is satisfied that the avoidance / mitigation measures proposed would be sufficient to maintain the favourable conservation status of the species.

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.

Insofar as the County Ecologist's advice is concerned, she considers that the ecology chapter and appendices of the Environmental Statement are satisfactory but advises that it may be necessary to undertake updated badger and bat surveys depending on when development commences (so as to ensure they remain up-to-date). The County Ecologist notes that much of the land is arable and of little wildlife value, but the proposed development will cause the loss of hedgerows and trees; however, the County Ecologist is of the view that, having regard to the retention of the species-rich hedges around the perimeter of the site and the proposed woodland planting to the west of the site, the loss of other hedges and trees within the site would be adequately compensated for.

However, concern is raised by the County Ecologist over the loss of two substantial ponds close to the farm; whilst the supporting documents indicate that one of these ponds is affected by slurry, it supports a number of species, and the County Ecologist therefore considers that it cannot be without local value. The larger pond is also considered to be of local value, supporting reed bunting, tufted duck and a population of toads. As such, the County Ecologist advises that compensation for the loss of these two ponds through habitat creation of two ponds of equivalent or greater size would be appropriate; the applicants have confirmed that they would be agreeable to providing this.

Subject to the imposition of suitably-worded conditions, 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.



### **Geology, Geotechnical Issues and Land Contamination**

The applicants have undertaken a Phase 1 Geo-Environmental Assessment, and which has been used to inform the Environmental Statement's findings in respect of these issues. The Environmental Statement concludes that the proposals are expected to have a low to moderate adverse environmental effect with respect to geology and ground conditions. The District Council's Environmental Protection team raises no objection to the application in this regard subject to conditions.

In terms of coal-related issues, the Environmental Statement provides that the site is in an area affected by underground coal mining, although movements are expected to have now ceased; the site lies within an area subject to the Coal Authority's standing advice. Furthermore, the Environmental Statement indicates that the shallow geology is not considered viable for mineral extraction; the County Planning Authority has no objections insofar as the potential for sterilisation of resources is concerned.

The proposals are therefore considered acceptable in terms of these issues.

### **Water Resources, Drainage and Flood Risk**

The Environmental Statement includes assessment of the proposed development's impacts on water resources, drainage and flood risk, informed by a Flood Risk Assessment (FRA), setting out how the site is proposed to be drained, and assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development.

Insofar as river flooding is concerned, the majority of the application site lies within Flood Zone 1 (i.e. low probability - less than 1 in 1,000 year annual probability of flooding). Other potential sources of flood risk identified in the FRA include pluvial run-off, surface water and sewer flooding. The FRA indicates that there is no evidence of pluvial flooding within the area. Insofar as sewer flooding is concerned, the FRA notes that, whilst much of the sewerage system of North West Leicestershire is based on Victorian sewers, as the site is greenfield, the risk of sewer flooding impacting upon the proposed site is unlikely, and therefore not considered a significant risk. In terms of potential effects of the proposed development on the wider catchment, given that the existing site is greenfield (and therefore any form of development will increase the volume of hardstanding on site), the development has the potential to increase surface water flows from the development and impact upon the wider catchment.

The NPPF and the DCLG's Planning Practice Guidance set out the relevant requirements in respect of the Sequential Test, and indicates that the Local Planning Authority's Strategic Flood Risk Assessment will provide the basis for applying this test. Having regard to the site's location within Flood Zone 1, it is considered that the proposed development passes the Sequential Test.

In terms of mitigating the impacts of other potential sources of flooding, the FRA recommends the setting of proposed finished floor levels no lower than the existing site levels, arrangement of external ground levels so as to direct any overland flows away from buildings, use of SuDS, disposal of surface water discharge via a pumped outfall or by infiltration, and provision of between 15,000 and 30,000 cubic metres of surface water attenuation. This, the FRA and Environmental Statement suggest, would limit the potential for increased flooding elsewhere as a result of the development. Whilst objections have been raised by nearby residents regarding the potential for increased flood risk to their properties in the event that the development takes place (and photographic evidence provided of previous flooding to properties nearby), there is

no evidence to suggest that increased risk to nearby properties would result from the proposals, particularly given the requirement to mimic greenfield run-off rates, and the proposals to for surface water attenuation storage so as to accommodate the 1 in 100 year (+20% for climate change) storm event.

Whilst, at this outline stage, detailed drainage proposals have not been devised, the application documents indicate that an attenuation / infiltration basin would be proposed within the landscaped area towards the western end of the site. Infiltration drainage could, the FRA suggests, be maximised in this part of the site, having regard to the presence of a sandstone outcrop in this location. However, this would need to be addressed in more detail at a later stage (i.e. in respect of the discharge of drainage conditions and the proposed layout as shown in any reserved matters application).

Insofar as foul drainage is concerned, the Environmental Statement indicates that connection to local sewers would be required, although, at this stage, no further details are set out, pending the formulation of the detailed design of the proposed development. The Environmental Statement suggests that, on the basis that the system was designed and constructed in line with current sewer adoption standards (which would be required for connection), there would be little residual risk associated with the potential effect on the foul drainage system.

From the point of view of statutory consultees, neither the Environment Agency nor Severn Trent Water raise objections to the application, subject to the imposition of conditions, and the development is considered acceptable in this regard.

### **Agricultural Land Quality**

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 employment land requirements 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 submitted Environmental Statement contains an assessment of agricultural land quality suggesting the following distribution of land quality:

Grade 3b:	32ha (approx.) (91%)
Non-Agricultural:	3ha (approx.) (9%)

As such 32 hectares would be lost from agricultural use, along with a further 2 hectares within a field to the south of the site which, the Environmental Statement suggests, would become isolated as a result of the development. However, on the basis that none of the land within the site would be BMV, it is accepted that the harm that would result from the loss of this land to non-agricultural uses would not be significant.

### **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 the additional traffic associated with the development once it is in use. The Environmental Statement indicates that it considers, in particular, the impact 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. 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 demolition, earthworks and construction phase (principally dust emissions), and impacts from road traffic during the operational phase (nitrogen dioxide and particulates).

In terms of the construction phase, the Environmental Statement indicates that, given that scale of the development, and the proximity to sensitive receptors, the development would, if unmitigated, be of a high risk in terms of dust soiling and particulates. The Environmental Statement suggests however that, subject to the implementation of appropriate mitigation measures as set out within the Environmental Statement, the impacts would be negligible.

Insofar as the operational phase is concerned, the Environmental Statement concludes that, save for the nitrogen dioxide levels at a receptor location at Shaw Lane, all predicted concentrations for both nitrogen dioxide and particulates would be below the annual mean Air Quality Limit Value (AQLV) of 40 micrograms per cubic metre ( $\mu\text{g}/\text{m}^3$ ). All locations would, however, be predicted to experience an increase as a result of the proposed development (albeit with differing degrees of increase). In terms of the significance of these changes, however, save for the Shaw Lane receptor and a receptor location on Beveridge Lane (insofar as nitrogen dioxide is concerned), impacts at all receptors (and including all particulate predictions) would be identified as negligible (with the Shaw Lane and Beveridge Lane nitrogen dioxide impacts being "slight" and "moderate" respectively). Overall, and having regard to proposed mitigation, the significance of the air quality impacts would be, the Environmental Statement suggests, slight adverse and, on this basis (and having regard to the requirements of the NPPF), the proposals are considered acceptable in this regard. No objections are raised in respect of air quality issues by the District Council's Environmental Protection team.

However, it is noted that the receptor identified for the purposes of assessing impacts within the Coalville AQMA is located on Bardon Road in the vicinity of its junctions with Waterworks Road and Bardon Close; this area is no longer within the Coalville AQMA, the extent of the AQMA having been amended in 2011. As such, as matters stand, no data in respect of predicted impacts on the AQMA has been provided and, until such time as it has been, the Local Planning Authority is unable to conclude with any confidence that there would not be any materially adverse impacts on air quality within the AQMA. It is, however, understood that the applicants' air quality consultant is in the process of addressing this issue, and any further submissions on this point will be summarised on the Update Sheet. In addition to this issue, however, the concerns regarding the robustness of the transportation evidence as set out in more detail below are also material to assessment of the air quality impacts in that, until such time as the extent of any additional traffic likely to pass through the AQMA (and the ability of any traffic control measures to mitigate the impacts of any such changes in traffic etc) is established, it is not possible to come to a final view on the likely air quality impacts (i.e. if the Local Planning Authority is unable to be satisfied that the applicants' predicted traffic impacts are correct, it is similarly difficult to come to a firm conclusion that there would be no unacceptably adverse air quality impacts on the basis of predictions based on assumptions set out within the applicants' transport evidence). As matters currently stand, therefore, and whilst additional work may address the concerns, it is not considered that it would be appropriate to permit the application as currently presented pending resolution of these issues.

### **Neighbours' Amenities**

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the effects on nearby residents arising from the undertaking of the construction of the proposed development (including, in particular, construction noise), as well on the future living conditions of residents following construction, having regard to the noise and other amenity impacts of the proposed development. These are considered in turn below. Insofar as vibration issues are concerned, the Environmental Statement indicates that, by virtue of the distance between the proposed development and the nearest residential properties, this would not be an issue.

#### *Construction Noise*

The submitted Environmental Statement suggests that noise during construction would have a "moderate" effect; a number of mitigation measures during this construction phase are recommended.

#### *Post Construction / Operational Impacts*

The submitted Environmental Statement considers the noise impacts of the proposed development in terms of both the construction works and the future operation of the site.

In terms of the effects arising from construction, the Environmental Statement concludes that these (temporary) effects would be "moderate".

In terms of the noise impacts arising from operation of the proposed development itself, given the outline nature of the proposals, the Environmental Statement assesses different scenarios of the final scheme's format, and the likely noise impacts on neighbouring properties arising therefrom, during both the night and daytime.

In terms of these noise impacts, the scenarios set out include options whereby the principal road through the site is routed via different areas of the site. Insofar as the scenario whereby the principal road was located adjacent to the southern boundary of the site is concerned, the predicted noise impacts would, at night, and based on 3 HGV movements per hour along this road, just fall below the 45dB LAeq (night) level at all nearby residential property (the highest being 44.9dB LAeq (night), located on St Christopher's Park). Under an alternative night time noise scenario whereby the principal road was located adjacent to the northern boundary of the site, the predicted impacts would be such that the impacts on St Christopher's Park would be reduced, although would be higher elsewhere, including on the existing residential development to the west of the application site; this scenario is based on 60 HGVs per hour using the road. A third scenario has also been prepared, assuming use of noisy plant located in the north eastern corner of the site; again, no unacceptable impacts are predicted.

In terms of daytime impacts, and based on 30 HGV movements per hour, the Environmental Statement indicates that these can be accommodated without exceeding the 55dBA criterion. For the reasons referred to under Means of Access, Highways and Transportation Issues below, there remain a number of concerns with the applicants' transportation evidence. However, the submitted Transport Assessment suggests a total number of 108 peak hour HGV movements so it is not entirely clear as to how this sits with the assumptions used in the noise assessment. It would therefore seem appropriate to seek clarification on the approach used in the noise assessment once the transportation issues were resolved.

Insofar as mitigation is concerned, the Environmental Statement considers the impacts of the proposed earthworks bund to the south and west of the site (proposed essentially for visual

impact mitigation reasons), and assuming a height of between 5 and 7 metres. The Environmental Statement suggests that the bund would provide a degree of mitigation in some locations, and depending on bund height.

On balance, therefore, and whilst much of the impacts are unclear at this outline stage, it would appear that, a form of development which prevents unacceptable noise disturbance to nearby occupiers could in principle be provided on the site, and particularly when having regard to the potential for on-site mitigation (albeit subject to clarification on the number of assumed HGV movements being provided). No objections on noise or vibration grounds have been raised in respect of the proposed development by the District Council's Environmental Protection team.

#### *Other Residential Amenity Impacts*

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, whilst an illustrative masterplan has been submitted, all matters except part access are reserved for subsequent approval. The illustrative submissions and Design and Access Statement indicate that the proposed buildings would be of maximum heights of between 6 and 18 metres, and that the proposed built development would be located away from the western section of the site (which would be an area of woodland / National Forest planting). On the basis of the illustrative masterplan, the closest properties in residential use (i.e. caravans on the St Christopher's Park site) would be somewhere in the order of 60 metres (approx.) from proposed buildings on the development, with those buildings being indicated to be "small units"; a bund would also be proposed to be constructed to in the intervening land. Notwithstanding the anticipated maximum heights of the proposed units, it is considered that, in principle, a form of development could be provided within the site which would not lead to any undue loss of amenity by virtue of loss of light, overdominance or other residential amenity impacts. 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 proposed units and existing dwellings were provided. However, as set out above, 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, considered acceptable in this regard.

#### **Means of Access, Highways and Transportation Issues**

As set out in the introduction above, the application is in outline with all matters reserved save for the proposed vehicular access into the site from Beveridge Lane. At the time of preparing this report, it is understood that amended plans in respect of the proposed site access (which would be in the form of a ghost island access) are intended to be submitted to the Local Planning Authority pending checking of the proposed revised design by the County Highway Authority. In terms of the addressing of the proposals' impacts on the wider highway network, the applicants propose, amongst others, making a contribution of £1,980,000 (as part of the District and County Councils' emerging Transportation Infrastructure contributions strategy for accommodating growth in and around Coalville).

#### *Local Highway Issues*

The County Highway Authority has raised a number of issues in respect of the submitted Transport Assessment and other supporting information on various occasions during the course of the application's submission, with its most recent formal observations being provided in November 2013 (although the County Highway Authority has been engaged in direct dialogue with the applicants' transport consultant on an ongoing basis prior to and since that time).

Whilst no further formal observations are available at the time of preparing this report, it is understood from the County Highway Authority that outstanding work required for the County Highway Authority to be able to provide its finalised comments includes:

- Internal design checking for the proposed site access (and, depending on the outcome of that checking, potentially submission of amendments to the access design and re-checking of those amendments);
- Testing of the applicants' distribution assumptions (using the County Council's LLITM model); and
- Assessment of junction capacity modelling

The County Highway Authority has suggested a programme for the addressing of these outstanding issues which would involve work at different times by both the County Highway Authority and the applicants' transport consultants. Assuming both parties kept to this timetable in terms of the required actions, this indicates that the County Council would be in a position to provide its final formal observations to the District Council by the end of June 2014.

In order to enable Members to understand more fully the issues of concern to the County Highway Authority, however, the County Council has been requested to provide a summary of what remains to be agreed / demonstrated; any additional comments received from the County Highway Authority in this regard will be reported on the Update Sheet.

For their part, the applicants' transport consultants contend that their traffic distribution figures are correct; it is understood that, rather than being of the view that these figures are incorrect per se, the County Highway Authority's concern is that the evidence to support them is not yet robust. The applicants' transport consultants also draw attention to the approach to traffic issues as set out in the NPPF (i.e. that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe), and contend that as, in their view, there are no severe residual impacts, the Local Planning Authority cannot refuse the application. However, the issue here does not necessarily appear to be whether the impacts are severe or otherwise but, moreover, that the County Highway Authority cannot say with any confidence that the applicants' consultants' predicted impacts are correct and, therefore, whether or not any impacts would be adverse (and, if so, severe) is simply not yet established one way or the other.

### *Strategic Highway Issues*

At the present time, the Highways Agency (on behalf of the Secretary of State for Transport) has issued a TR110 Direction preventing the Local Planning Authority from permitting the application pending the resolution of unresolved issues in respect of the impacts on Junctions 13 and 22 of the A42 and M1 motorway respectively. It is understood from the Agency that it is of the view that, in principle, an appropriate solution is achievable (and likely to be by way of the formulation of an appropriate contribution under the District and County Councils' emerging Transportation Infrastructure contributions strategy) but, until such time as that is resolved, its Direction must remain in place. On this basis, whilst a solution to this issue seems achievable and there would seem to be potential for the Highways Agency's Direction to be removed, the Local Planning Authority would, at this time, be unable to issue any planning permission. Nevertheless, and notwithstanding the overall recommendation to defer, there appears to be no overriding reason why, in respect of this particular issue, the Planning Committee could not resolve to grant permission subject to the matter being concluded to the Highways Agency's satisfaction (and the TR110 Direction hence being removed and any additional conditions required by the Agency imposed). Alternatively, however, if Members were minded to refuse the

application, reference to this issue in the reason(s) for refusal would be considered appropriate.

*Public Rights of Way*

The site is affected by a number of public rights of way. Two principal rights of way (Footpath N50 and Restricted Byway N51 / Bridleway N52) cross the site. In addition, Footpath N47 abuts the southern boundary of the site, linking Whitehill Road with the southern part of the Interlink business park at Bardon. N50 connects with N47; N50 and N51/N52 both connect in the north to Beveridge Lane. Both N47 and N50 cross the Leicester to Burton railway by way of pedestrian level crossings.

Concerns have been raised by Leicestershire County Council's Rights of Way team with respect to the impacts on the existing routes of rights of way passing through the site which, based on illustrative layouts submitted with the application, would be affected, and that suitable alternatives have not been demonstrated. Further to these concerns, the applicants have amended their supporting information accordingly, with the illustrative details now indicating the deletion of that part of N50 between Beveridge Lane and its intersection with N47 (to the southern side of the Interlink business park), as well as that part of N51/N52 connecting to the existing farm buildings on the site. New links are shown along the eastern site boundary (connecting N52 and N47), to the northern boundary (parallel to Beveridge Lane), and through the proposed planting area at the western end of the site (linking Beveridge Lane, the Rushby Road roundabout and N47 to the north of St Christopher's Park). At the time of preparing this report the updated views on these proposals from the County Council's Rights of Way team were awaited, and any further comments received will be reported on the Update Sheet. The applicants have also been in direct liaison with the Councils Cultural Services Officer responsible for footpaths and it is considered that any issues can be satisfactorily addressed at the reserved matters stage.

*Rail Issues*

As noted under Public Rights of Way above, the proposed changes to the local rights of way network include the deletion of N50 between Beveridge Lane and its intersection with N47 and a new route alongside the eastern boundary. These proposed changes are intended to address the concerns of Network Rail with respect to impacts on use of pedestrian level crossings, and in accordance with Network Rail's policy to secure a significant reduction in risk at level crossings. Whilst Network Rail accepts that there would not be a very significant increase in usage of the crossing, it considers that there would, nonetheless, be an increase as a result of the development and, as such, considers that it would be appropriate to seek the removal of one of the two crossings affected by the development, and suggests the one serving N50 as it has the higher risk (and with the provision of the new pedestrian route enabling users on the western side of the railway to access the retained (N47) crossing).

Insofar as other railway issues are concerned, the illustrative details indicate a "future rail sidings zone" and, depending on the levels and layout of the proposals as set out at the reserved matters stage, the scheme would appear capable in principle of being served (in part, at least) by rail. The Environmental Statement and Design and Access Statement also indicate that the eastern boundary would not include any new landscape proposals so as to maintain the potential for future rail connectivity to the site. The application as submitted does not propose a rail connection per se, but recognises that the site has the potential in the future to be accessed in this way. In order to ensure that the development of the site does not preclude its future use in this way, it is recommended that any approval require the submission of details with the reserved matters proposals to demonstrate that those proposals would not prejudice this aspiration in the future, should circumstances ever allow.

For its part, Network Rail raises no objections to the development subject to the above measures, and subject to the imposition of other conditions required to ensure the safety, operational needs and integrity of the railway. It also confirms that it has no objections relating to the increased use of the existing road bridge over the railway on Beveridge Lane (and including the types of vehicle likely to be using it).

#### *Access, Highways and Transportation Conclusions*

In summary, in respect of the access and transportation issues, it is noted that there are a number of unresolved issues insofar as the County Highway Authority is concerned which, it considers, mean that the County Council cannot be satisfied that there would not be an unacceptable impact on highway and transportation matters. Whilst the applicants' consultants contend that all issues have been appropriately addressed, the County Highway Authority does not concur, and is unable, at this time, to recommend approval from the highway and transportation aspect.

It is also noted that the Highways Agency has issued a Direction preventing issuing of a planning permission at this present time. Until such time as the Highways Agency can be satisfied that there would be no unacceptable (and unmitigated) impacts on the safe and efficient functioning of the strategic highway network (and, in particular, at the affected junctions of the A42 and M1), it would be inappropriate to release the site for development and, indeed, the Direction prevents the Local Planning Authority from so doing. Nevertheless, were members minded to permit, it is considered that any such resolution could be framed in a manner as to allow the development to proceed if and when the Highways Agency's concerns had been resolved.

The proposed development is, overall, however, considered unacceptable at this time in respect of access and transportation issues, and it is therefore recommended that the application be deferred pending resolution of these issues.

#### **Historic Environment**

There are no listed buildings, Conservation Areas or scheduled monuments within the vicinity of the application site. It is also considered that there are no features which would be likely to be viewed as non-designated heritage assets of significance.

Insofar as archaeology is concerned, the application is supported by a range of documents, including an archaeological desk based assessment, a geophysical survey report and an archaeological trial trench evaluation. These indicate that the site has a low potential for significant remains of all periods and that any yet to be any undiscovered assets are, based on the archaeological background of the area, only likely to be of local interest and significance.

On this basis, and subject to the implementation of the relevant recording / mitigation measures, it is accepted that no unacceptable impacts on heritage features would result; the County Archaeologist advises that, on the basis of the desk-based assessment, geophysical survey and trial trenching undertaken, there does not appear to be a reasonable potential for the survival of significant archaeological remains within the site, and raises no objections.

#### **Design**

The proposed scheme is outline only, with all matters other than part access reserved for later consideration; the application is supported by a Design and Access Statement.



The proposal has been assessed by the District Council's Urban Designer, who has raised, amongst others, the following issues regarding the scheme:

- The scheme needs to take account of the Council's aspirations for National Forest inspired buildings and spaces and associated integration of landscaping and SuDS
- Concerns regarding the extent of trees and hedgerows proposed (on the illustrative plans) to be removed of across the developed parts of the site;
- The Design and Access Statement should establish more specific principles for architectural design, and including in respect of the environmental performance of buildings;
- Green infrastructure and pedestrian / cycle connectivity should thread through the site - whilst the green infrastructure is largely indicated as being concentrated to the west (the logic for which is clear), the central spine road could be developed as a much stronger feature, integrating SuDS, a greenway and existing hedgerows, thus creating a more subtle contrast between the undeveloped and developed parts of the site in this National Forest location; and
- A pedestrian / cycle route should run west to east across the site, providing two links across the open space, the first running in a west / east alignment directly across from the "green" located within the recently built Poppyfields (David Wilson Homes) development, the second running from the south east corner of Poppyfields, heading in a north easterly direction to connect with the other route

In response to these issues, the applicants have provided amended illustrative layouts in order to demonstrate how existing hedges could potentially be retained within the scheme and to indicate the potential integration of green infrastructure into the site. Further to these amended details, and given the outline nature of the application, the District Council's Urban Designer raises no objections but suggests that his other comments be flagged up by way of a Note to Applicant so as to ensure that these matters are appropriately addressed at the reserved matters stage(s). Given the scale of the development, however, and the potential for different plots to be designed and built out by different developers / occupiers, it is also considered that there is the potential for the site to be developed in a range of different styles / approaches, which could result in an ad hoc approach to design, to the detriment of the overall quality of the scheme. As such, it is considered that the implementation of a Design Code would be appropriate, and would serve to ensure that a consistent approach is taken.

Overall, therefore, subject to the imposition of a condition requiring a Design Code, together with the reserved matters schemes encompassing other issues of importance as identified by the District Council's Urban Designer, it is considered that the development has the potential to provide for an appropriate form of design at the reserved matters stage, and compliance with the relevant design-related policies could be achieved.

## **Other Matters**

### **Developer Contributions**

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

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

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

In addition to the Transport Infrastructure contribution (and any separate County Highway Authority contribution requirements) which would be likely to be required in respect of the proposed development pending resolution of the transportation issues, the only other developer contributions required in this case would be in respect of the provision / maintenance of the proposed green infrastructure. As set out above, the landscape management plan would also require inclusion as an obligation within any associated Section 106 agreement.

### **Conclusions**

As set out above, the site is considered suitable in principle for the proposed development and Officers are supportive of increasing the supply of B2/B8 employment sites in the south east Coalville area. It is considered that the supporting information indicates that the development is acceptable in technical terms, and the conclusions as set out in the applicants' Environmental Statement are for the most part accepted, although unresolved concerns are considered to remain in respect of transportation issues and, partly as a result, air quality. Whilst 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 including the District's employment land requirements as well as the NPPF's stated aim of supporting economic growth through the planning system.

In terms of technical issues affecting the proposed development, and as set out in the applicants' Environmental Statement, it is considered that the proposals are, for the most part, acceptable. It is also likely that appropriate contributions to infrastructure would be secured in order to accommodate the development, and the proposals would make a significant contribution to local employment opportunities. However, these benefits need to be considered in the context of the other environmental effects (and, not least, in respect of transportation issues) and, whilst it is accepted that significant weight can be properly attached to the economic development issues associated with the proposals, it is considered that the Local Highway Authority (and, hence, the Local Planning Authority) are not, at this time, in a position to have any certainty over the likely impacts of the proposals and, accordingly, whether they would be harmful in this regard (and, if so, to what degree). It is therefore recommended that the application be deferred so as to allow for the unresolved issues to be addressed.

**RECOMMENDATION- DEFER IN ORDER TO ALLOW OUTSTANDING MATTERS TO BE ADDRESSED**