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**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  
A1**

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

**Application Reference  
13/00249/OUTM**

**Applicant:  
Paragon (Coalville)**

**Date Registered  
15 April 2013**

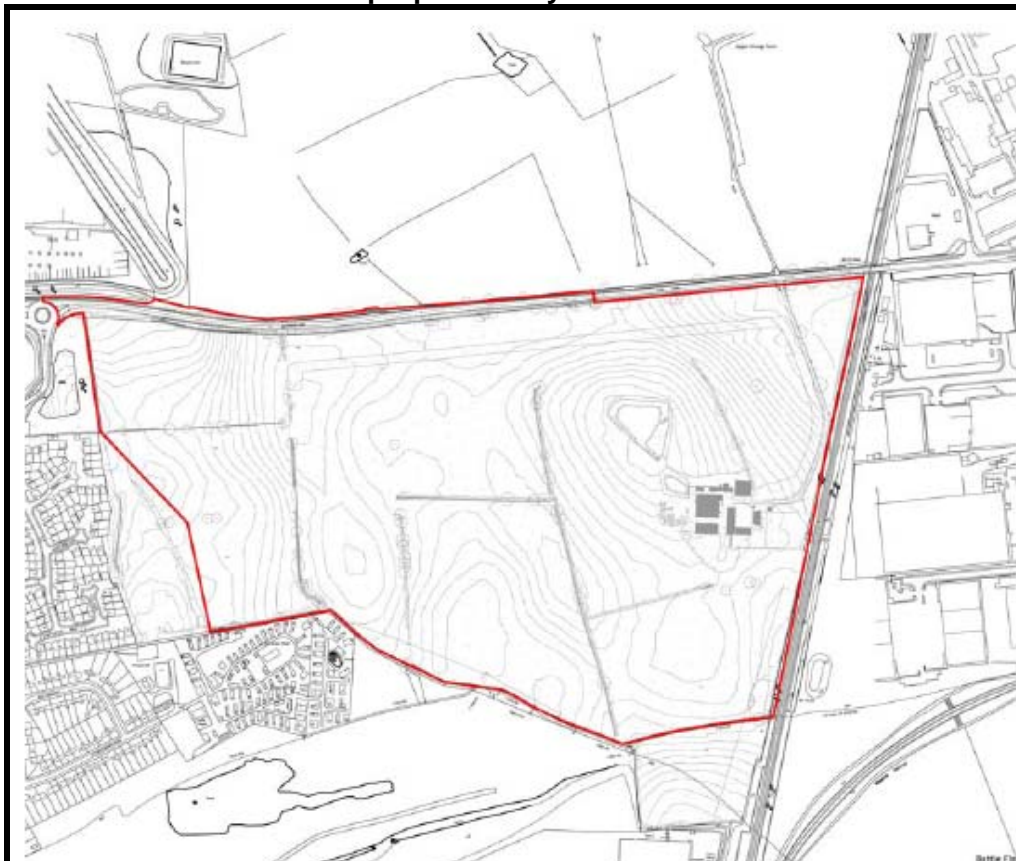
**Case Officer:  
James Knightley**

**Target Decision Date  
15 July 2013**

**Recommendation:  
Permit Subject to Section 106**

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



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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Proposal**

The application seeks outline planning permission for the erection 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.

### **Planning Policy**

The majority of 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.

### **RECOMMENDATION:-**

**PERMIT, SUBJECT TO THE WITHDRAWAL OF THE SECRETARY OF STATE FOR TRANSPORT'S TR110 DIRECTION DATED 7 MAY 2014, SUBJECT TO SECTION 106 OBLIGATIONS, SUBJECT TO CONDITIONS, AND SUBJECT TO ANY ADDITIONAL CONDITIONS AS RECOMMENDED OR DIRECTED BY THE COUNTY HIGHWAY AUTHORITY AND THE SECRETARY OF STATE FOR TRANSPORT**

**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).

The application was included on the agenda for the 6 May 2014 Planning Committee as it was understood from the applicants that, unless a decision was made in respect of the application at the earliest opportunity, a potential occupier was likely to withdraw its interest in the development, with the resulting impacts on job creation opportunities. The Planning Committee report indicated, however, that officers were of the opinion that the supporting information submitted in respect of the application was, at that time, insufficient to enable the Local Planning Authority to come to a fully reasoned view in respect of it, particularly in respect of the transportation, noise and air quality impacts, and deferral was recommended. The application was, however, subsequently withdrawn from the agenda at the request of the applicants, and therefore not considered by the Committee.

### 2. Publicity

Neighbours have been notified.

Site Notice displayed 19 April 2013

Press Notice published 24 April 2013

### **3. Consultations**

Ellistown And Battleflat Parish Council consulted 3 June 2014  
Head of Environmental Protection consulted 3 June 2014  
LCC/Footpaths consulted 3 June 2014  
Ellistown And Battleflat Parish Council consulted 10 June 2014  
County Highway Authority consulted 10 June 2014  
Highways Agency- Article 15 development consulted 10 June 2014  
Ellistown And Battleflat Parish Council consulted 15 August 2013  
County Highway Authority consulted 15 August 2013  
Highways Agency- Article 15 development consulted 15 August 2013  
Ellistown And Battleflat Parish Council consulted 25 September 2013  
Network Rail consulted 25 September 2013  
County Highway Authority consulted 25 September 2013  
LCC/Footpaths consulted 25 September 2013  
Ellistown And Battleflat Parish Council consulted 29 October 2013  
County Highway Authority consulted 29 October 2013  
Highways Agency- Roadside Service Area consulted 29 October 2013  
County Highway Authority consulted 8 May 2013  
Highways Agency- Article 15 development consulted 8 May 2013  
Ellistown And Battleflat Parish Council consulted 16 April 2013  
Nicola Land Ibstock Parish Council consulted 16 April 2013  
County Highway Authority 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  
Head of Environmental Protection consulted 23 May 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** final comments awaited (see 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** has no objections subject to further amendments to the proposed rights of way plan

**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

**North West Leicestershire District Council Cultural Services Officer** advises that a number of rights of way cross the site which would need addressing as part of the planning process

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

**Third Party representations**

264 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
- Air quality report receptor locations for the AQMA are not in Ellistown
- Site access should be relocated away from Ellistown
- Transport Assessment data out of date
- Transport Assessment modelling not robust
- Excessive car parking

## 5. Relevant Planning Policy

### 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.

## PLANNING APPLICATIONS- SECTION A

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."

## PLANNING APPLICATIONS- SECTION A

- "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 majority of the application site lies outside of Limits to Development as defined in the adopted Local Plan (with a small section of highway land included within the application site located adjacent to the Rushby Road roundabout falling within Limits to Development). No other

## PLANNING APPLICATIONS- SECTION A

site-specific policies apply. The following adopted Local Plan policies are considered relevant:

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.

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 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 need for and benefits of the proposed development of the site in terms of stimulating economic growth are considered to outweigh the conflict with the Development Plan, thus making the development 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

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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 indicate 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. Following the submission of an addendum to the Environmental Statement, it now 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. 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.

At the time the application was previously reported to the Planning Committee, however, two principal concerns with respect to the assessment of the impacts on air quality were highlighted within the officer report.

Firstly, the County Highway Authority's concerns regarding the robustness of the transportation evidence were 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) had been established, it was not considered possible to come to a final view on the likely air quality impacts (i.e. if the Local Planning Authority was unable to be satisfied that the applicants' predicted traffic impacts were correct, it was considered 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). Following the resolution of the County Highway Authority's concerns in this regard, it is accepted that this issue has also now been resolved.

Secondly, it was noted within the report to the 6 May 2014 Planning Committee that the receptor identified within the submitted Environmental Statement for the purposes of assessing impacts within the Coalville AQMA was located on Bardon Road (in the vicinity of its junctions with Waterworks Road and Bardon Close), but that this area is no longer within the Coalville AQMA, the extent of the AQMA having been amended in 2011. In order to address this matter, and to provide a specific assessment of the impacts upon the AQMA, an addendum to the Environmental Statement has subsequently been provided.

Insofar as this additional AQMA assessment work is concerned, the Environmental Statement addendum has assessed the impacts at a total of 16 receptors within and around the AQMA.

The addendum indicates that all but two of these receptors would experience a predicted increase in annual mean nitrogen dioxide concentrations (when compared with the "no development" scenario), with the magnitude of the change varying between 0.01 and 0.48 µg/m<sup>3</sup>. For the two receptors with the 0.48 µg/m<sup>3</sup> increase, the addendum indicates that the magnitude of this change would be "small", but would be "negligible" in terms of significance of impact. For the other 14 receptors, the magnitude and significance of the impacts are found to be "imperceptible" and "negligible" respectfully.

No objections are raised in respect of air quality issues by the District Council's Environmental Protection team. In terms of the findings of the addendum addressing the impacts on the Coalville AQMA, the District Council's Environmental Protection team highlights some concerns with the assessment in that the calculated correction factor used by the applicants (based on only three data points) does not bring modelled values in line with the measured results and, as a result, the with and without development modelling at receptors makes it appear that nitrogen dioxide levels would meet the air quality objectives by the time the development was implemented with no actions being taken which, the Environmental Protection team suggests, is unlikely to be the case. However, the Environmental Protection team acknowledges that a change in the correction factor is unlikely to change significantly the degree or significance of the impact the development has on the AQMA, and the impact would still be likely to remain insignificant or small and, as such, the development is considered acceptable in terms of its air quality impacts. For its part, the County Highway Authority confirms that the traffic data used within the Environmental Statement addendum to make the relevant predictions of impacts on the AQMA is reasonable.

The proposed development is therefore considered acceptable in terms of its air quality implications, both generally, and within the Coalville AQMA.

### **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" (temporary) effect; a number of mitigation measures during this construction phase are recommended.

#### *Post Construction / Operational Impacts*

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.

As set out in the report to the 6 May 2014 Planning Committee, the scenarios set out within the originally submitted Environmental Statement included options whereby the principal road

through the site was 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 was concerned, the predicted noise impacts would have, at night, and based on 3 HGV movements per hour along this road, just fallen below the 45dBLAeq (night) level at all nearby residential property (the highest being 44.9dBLAeq (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 have been such that the impacts on St Christopher's Park would have been reduced, although would have been higher elsewhere, including on the existing residential development to the west of the application site; this scenario was based on 60 HGVs per hour using the road. A third scenario was also prepared, assuming use of noisy plant located in the north eastern corner of the site; again, no unacceptable impacts were predicted.

In terms of daytime impacts, and based on 30 HGV movements per hour, the Environmental Statement indicates that these could have been accommodated without exceeding the 55dBA criterion but, as set out in the report to the 6 May 2014 Planning Committee, the submitted Transport Assessment suggests a total number of 108 peak hour HGV movements so it was not considered by officers to be entirely clear as to how this sat with the assumptions used in the originally submitted noise assessment.

To address this issue, an updated noise chapter to the Environmental Statement has been submitted, revisiting the previously assessed scenarios, and assuming HGV movements to accord with those predicted within the submitted Transport Assessment. In terms of night time vehicular noise, the revised assessment assumes the use of a central estate road similar in alignment to that shown on the illustrative masterplan. This indicates that all receptors considered would experience night time traffic noise below the 40dBA (night) level. To also take into account the additional impacts of on-site noise emissions such that the cumulative noise level would remain below this level, the updated noise chapter indicates that fixed plant in the middle of the site would need to be limited to a sound power level (SWL) of no more than 106dBA or, alternatively, any uniform noise emissions across the whole of the site should not exceed 50dBA SWL per square metre (with the site then totalling 104dBA SWL).

In terms of daytime noise impacts, the updated noise chapter indicates that the noise limit level for the nearest affected receptor would be 50dBA and that, for the required traffic movements plus the mid-site concentrated point source, up to 48dBA would occur in the nearby residential area, thus within the 50dBA limit, and that a point source sound power level of up to 120dBA could be employed.

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 10 metres. The Environmental Statement suggests that the bund would provide a degree of mitigation in some locations, and depending on bund height. A range of other mitigation measures are also set out within the Environmental Statement insofar as addressing construction phase noise is concerned.

On balance, therefore, and whilst a number of assumptions need to be taken in order to assess potential noise 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. 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. Since the application was last included on the Planning Committee agenda for its meeting in May 2014, amended plans in respect of the proposed site access have been received showing a ghost island access. Separate details have also been provided to the Local Planning Authority and Local Highway Authority indicating how, if required in the future in association of the development of land to the north of Beveridge Lane, a roundabout junction could also be provided in this location.

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*

As referred to in the report originally included on the agenda for the Planning Committee meeting of 6 May 2014, 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 prior to the 6 May 2014 Planning Committee meeting being provided in November 2013 (although the County Highway Authority had been engaged in direct dialogue with the applicants' transport consultant on an ongoing basis prior to and since that time).

As set out in the report included on the agenda for the Planning Committee meeting of 6 May 2014, there was, at that time, a significant amount of outstanding work required for the County Highway Authority to be able to provide its finalised comments. This included:

- 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

Since the time that the application was included on the agenda for the 6 May 2014 Planning Committee meeting, the County Highway Authority has continued to engage with the applicants' transportation consultants and, it is understood, the County Highway Authority is now content that sufficiently robust evidence to demonstrate the likely impacts of the development on the local highway network has been submitted (albeit details of the applicants' proposed mitigation of the potential impacts on the Ellistown crossroads (i.e. the existing double mini roundabout junction) were awaited). As such, at the time of preparing this report, the final formal observations of the County Highway Authority were awaited; it is anticipated that these will be available prior to the application's consideration at the Planning Committee meeting of 8 July 2014, and will be reported on the Update Sheet. It is also understood that the County Highway Authority is likely to raise no objections subject to Section 106 obligations and the imposition of conditions. The recommendation below is made on this basis.

#### *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, 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 had 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 had 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), 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), and adjacent to the southern boundary (i.e. in the vicinity of the proposed landscaped bund, and parallel to retained right of way N47 which lies just outside the application site). In response to these latest amendments, the County Council's Rights of Way team has raised no objections per se, although has suggested further amendments which, at the time of preparing this report, the applicants were seeking to accommodate. In principle, however, there appears no reason why the development could not provide for appropriate alternative rights of way if, as appears likely at this outline stage, 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, who advises that an application to divert would need to be made. 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.

#### *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*

## PLANNING APPLICATIONS- SECTION A

In summary, in respect of the access and transportation issues, it is understood that the previously unresolved issues in respect of the local highway network have now been addressed to the satisfaction of the County Highway Authority; confirmation of the County Highway Authority's final position will be provided on the Update Sheet, however.

Insofar as the strategic highway network is concerned, it is 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, should members be minded to permit, it is considered that any such resolution could be framed in a manner as to allow the development to proceed should the Highways Agency's concerns be resolved (e.g. by the use of an appropriate mechanism ensuring the making of appropriate contributions to the Highways Agency in order to mitigate the impacts of this and other development in the wider Coalville area on the affected strategic highway network junctions). The Highways Agency is content with this approach in principle, and has indicated that it would be agreeable to removing its Direction once there has been an appropriate resolution to ensuring the funding from the District Council's transportation contribution strategy is secured for the strategic highway network.

Subject to the entering into of appropriate Section 106 obligations, and the attachment of conditions as recommended / directed by the relevant highway authorities, therefore, the proposed development is now considered acceptable in respect of access and transportation 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 or 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. 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 (and, where not fully concurred with, officers are content that no unacceptably adverse impacts would arise in any event). 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. The need for and the benefits of the development in terms of stimulating economic growth are in this case considered to outweigh any conflict with the Development Plan.

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, overall, 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. Following the submission of additional information to demonstrate the impacts of the development to the satisfaction of the relevant statutory consultees, it is considered that these impacts would be acceptable environmentally and, when assessed in the wider context of sustainable development as set out in the NPPF, the proposed development would benefit from the presumption in favour of sustainable development, and approval is recommended.

**RECOMMENDATION- PERMIT, subject to the withdrawal of the Secretary of State for Transport's TR110 Direction dated 7 May 2014, subject to Section 106 Obligations, subject to the following conditions, and subject to any additional conditions as recommended or directed by the County Highway Authority and the Secretary of State for Transport**

- 1 Save for the details of vehicular access into the site from Beveridge Lane, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

*Reason - This permission is in outline only.*

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for the details of vehicular access into the site from Beveridge Lane),

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appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

*Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).*

- 3 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 92 of the Town and Country Planning Act 1990 (as amended).*

- 4 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
- Site location plan (ES Figure 3 Rev A) deposited with the Local Planning Authority on 15 April 2013
  - Development Framework parameters plan (ES Figure 4 Rev C) deposited with the Local Planning Authority on 15 April 2013
  - Site vehicular access (Figure 1A Rev N) deposited with the Local Planning Authority on 9 June 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, landscaping / National Forest planting, density parameters and scale, as well as details of any proposed phasing of development. The masterplan shall accord with the principles of the submitted Design and Access Statement. 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 A total floorspace of no more than 120,773 square metres (gross) shall be erected.

*Reason - To define the scope of this permission.*

- 7 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 addenda), 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 development shall commence on the site until such time as a Design Code for the entirety of the site (based upon, and according with, the general principles set out in the Design and Access Statement) has been submitted to and agreed in writing by the Local Planning Authority. 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 Policy E4 of the North West Leicestershire Local Plan.*

- 9 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.*

- 10 The development permitted by this planning permission shall not be carried out other than in strict accordance with the submitted Flood Risk Assessment (FRA) (NTW/2012/FRA Rev B, dated 29 November 2012) undertaken by BWB Consulting and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated on site so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site (Sections 4.6 to 4.18 and 6.2); and
  - Finished floor levels are set above proposed external finished ground levels in accordance with best building practice (Sections 4.2 and 6.2)
- Unless any alternative programme is first agreed in writing by the Local Planning Authority, none of the development hereby permitted shall be brought into use until such time as the mitigation measures have been fully implemented.

*Reason - To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future occupants.*

- 11 Notwithstanding the submitted details, nor Condition 7 above, no work shall commence on site 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 include:

- Surface water drainage system(s) 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;
- Limiting the discharge rate and storing 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;
- 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

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- 20% (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; and
  - 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.
- 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 improve and protect water quality, to improve habitat and amenity and in the interests of ensuring the safety, operational needs and integrity of the railway.*

- 12 Notwithstanding the submitted details, nor Condition 7 above, no development shall commence on the site until such time as a timetable for the undertaking of updated surveys in respect of protected species 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.*

- 13 Notwithstanding the submitted details, nor Condition 7 above, no development shall commence on the site until such time as a detailed mitigation and monitoring strategy in respect of bats (together with a timetable for the strategy's implementation) has been submitted to and agreed in writing by the Local Planning Authority. No development shall thereafter be undertaken at any time unless in accordance with the agreed strategy and timetable.

*Reason - In the interests of nature conservation.*

- 14 Notwithstanding the submitted details, nor Condition 7 above, no development shall take place until such time as a scheme for the provision and management of compensatory habitat creation (and including measures in respect of replacement pond provision, and bat and bird boxes, together with a timetable for the scheme's implementation) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be implemented strictly in accordance with the agreed scheme and timetable.

*Reason - In the interests of mitigating and / or compensating for the loss of existing habitat on the site, and to secure opportunities for the enhancement of the nature conservation value of the site.*

- 15 Notwithstanding the submitted details, nor Condition 7 above, no development shall take place until such time as a scheme of measures designed to minimise great crested newt access to the site during construction works, together with a timetable for its

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implementation, has been submitted to and agreed in writing by the Local Planning Authority. No development shall be undertaken at any time other than in accordance with the agreed scheme and timetable.

*Reason - In the interests of nature conservation.*

- 16 Notwithstanding the submitted details, nor Condition 7 above, the first reserved matters application in respect of the development (or, in the case of phased development, the first reserved matters application in respect of the relevant phase) shall be accompanied by full details of all measures proposed in respect of the enhancement of the biodiversity of the area, including proposals in respect of future maintenance and a timetable for the implementation of the relevant measures. The development shall thereafter be undertaken and occupied in accordance with the agreed measures and timetable unless otherwise agreed in writing with the Local Planning Authority.

*Reason - To ensure the development contributes to the meeting of BAP and LBAP priorities.*

- 17 Notwithstanding Conditions 1, 2, 3 and 5 above, the first reserved matters application shall include a strategy to demonstrate how the development of the site will allow for future rail access for goods to and from the site. The submitted strategy shall include indicative details of all works / facilities likely to be required to allow for the site to be served by rail, and demonstrate how the scheme for the site's development as set out in the masterplan prepared pursuant to Condition 5 above would not prejudice the future provision of the works / facilities as set out in the rail access strategy.

*Reason - To ensure that the potential for serving the site by rail is protected.*

- 18 No works shall be undertaken within 20 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.*

- 19 No work shall commence on site until such time as precise details of all measures designed to prevent unauthorised and / or accidental vehicular or pedestrian access onto the adjacent 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.*

- 20 No part of the development hereby permitted shall be brought into use until such time as the pedestrian level crossing serving Footpath N50 has been permanently closed.

*Reason - In the interests of ensuring the safety of the railway.*

- 21 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



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phase) until such time as a Risk Based Land Contamination Assessment (and as set out in the Environmental Statement) has been submitted to and agreed in writing by the Local Planning Authority. 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;
- 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 (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.*

- 22 If, pursuant to Condition 21 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 (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 (Environment Agency 2010) and CLR 11 Model Procedures for the Management of Land Contamination (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 approved 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.*

- 23 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 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, 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.*

- 24 All reserved matters applications shall include full details of the proposed buildings' anticipated level of achievement in respect of criteria / sub-categories contained within the Building Research Establishment's Environmental Assessment Method (BREEAM). No building shall be brought into use until such time as an assessment of the building has been carried out by a registered BREEAM assessor and a BREEAM Certificate has been issued for the relevant building certifying that the relevant BREEAM Level has been achieved.

*Reason - To ensure the environmental integrity of the scheme is secured.*

### 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](http://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 North West Leicestershire District Council's Cultural Services Officer regarding Rights of Way. Appropriate consent for all stopping up or diversion of rights of way required to implement the planning permission will need to be sought (and including any consents required in order to comply with Condition 20 above).
- 9 Your attention is drawn to the attached report of the National Forest Company.
- 10 Your attention is drawn to the attached report of Natural England.
- 11 Your attention is drawn to the attached report of the District Council's Urban Designer. The Local Planning Authority would expect the issues raised to be addressed at the reserved matters stage(s), and would encourage early engagement with the Local Planning Authority prior to submission in order to ensure that a suitable design solution is achieved.
- 12 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](http://www.defra.gov.uk)
- 13 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.

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- 14 The applicants are advised that, for the purposes of complying with Condition 7 above, the submitted details should include for measures to restrict noise emanating from the site in accordance with the limitations set out in the updated Chapter 11 of the Environmental Statement dated May 2014.
- 15 This decision is in accordance with the resolution of the Planning Committee of 8 July 2014 and is subject to a Section 106 Obligation.