

Erection of up to 105 dwellings, public open space, earthworks, balancing pond, structural landscaping, car parking, and other ancillary and enabling works (Outline - All matters other than vehicular access off Grange Road reserved)

Report Item No
A1

Land Off Grange Road Grange Road Hugglescote
Leicestershire

Application Reference
14/00354/OUTM

Applicant:
Mr Jonathan Abbott

Date Registered
24 April 2014

Case Officer:
James Knightley

Target Decision Date
24 July 2014

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission for residential development of up to 105 dwellings and associated works.

Consultations

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

Planning Policy

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

Conclusion

The report below indicates that, whilst the site is a greenfield site outside Limits to Development, having regard to the site's general suitability for housing (including its proximity to the built up area of Coalville) and the need to demonstrate and maintain a five year supply of housing land within the District, the proposals would be considered to constitute sustainable development, and release of the site for residential development would be appropriate in principle. The proposed development would, it is considered, be able to be undertaken in a manner acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities, albeit with a reduced contribution to affordable housing required so as to ensure the development remains viable whilst making appropriate contributions to highways and transportation infrastructure.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is an outline planning application for residential development of a site of 7.3 hectares primarily in agricultural use for up to 105 dwellings on land to the south of Grange Road, Hugglescote.

All matters are reserved except for part access; whilst all other matters are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings (provided in two main areas of the site), together with areas of public open space / children's play, proposed and retained tree planting / landscaping and surface water attenuation facilities.

The site is crossed by a watercourse, and is adjacent to various other land uses including woodland, open / "scrub" land, residential curtilage, a cemetery and a disused railway connecting to the former South Leicester Colliery in Ellistown, now used on an informal basis as a recreation route.

Vehicular access is proposed by way of a new priority access with ghost island, provided through an existing landscaped area separating Grange Road from an existing lay-by; the existing lay-by would be stopped up (for vehicular use) and a new lay-by formed to serve the existing pumping station. The existing lay-by would be downgraded to a bridleway.

In terms of other matters of access (and including non-vehicular routes into the site, and vehicular, cycle and pedestrian routes *through* the site), these are reserved for consideration at the reserved matters stage(s), although the illustrative masterplan indicates a network of routes linking the site to adjacent land / existing recreational routes.

The application has been submitted following an earlier refusal for a similar scheme (ref. 12/00922/OUTM); that application was refused contrary to officer recommendation at the meeting of the Planning Committee of 3 December 2013 for the following reasons:

- 1 *Policy T3 of the adopted North West Leicestershire Local Plan requires development to make adequate provision for vehicular access, circulation and servicing arrangements. Based on its local knowledge, the Local Planning Authority considers the proposed vehicular access to be unacceptable from a highway safety perspective, contrary to Policy T3 of the North West Leicestershire Local Plan.*
- 2 *The site is located close to the Hugglescote Crossroads, a junction already operating at a level over its capacity. The proposed development would result in increased use of the junction, exacerbating the existing capacity issues, to the detriment of the free flow of traffic in the area.*
- 3 *The site is located within an area subject to flooding. Based on its local knowledge, the Local Planning Authority considers that the proposed dwellings would be at risk of flooding, contrary to the policies and intentions of the National Planning Policy Framework and its associated Technical Guidance.*

An appeal has also been lodged with the Planning Inspectorate against this refusal, and is to be determined by way of an inquiry, scheduled to take place in December 2014. Appended to this

report is a confidential advice note from Counsel.

The current application is, for the most part, identical to the refused scheme. However, an updated Design and Access Statement and illustrative plans have been submitted which show two principal areas of two and "two and a half" storey development located either side of an area of public open space and SUDs features.

2. Publicity

52 no. neighbours have been notified (Date of last notification 7 May 2014)

Site Notice displayed 7 May 2014

Press Notice published 21 May 2014

3. Consultations

Hugglescote & Donington Le Heath consulted

LCC Development Contributions consulted 16 July 2014

County Highway Authority consulted 18 July 2014

Highways Agency- affecting trunk road consulted 18 July 2014

County Highway Authority consulted 7 May 2014

Environment Agency consulted 7 May 2014

Severn Trent Water Limited consulted 7 May 2014

Head of Environmental Protection consulted 7 May 2014

NWLDC Tree Officer consulted 7 May 2014

County Archaeologist consulted 7 May 2014

LCC ecology consulted 7 May 2014

NWLDC Urban Designer consulted 7 May 2014

LCC Development Contributions consulted 7 May 2014

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 7 May 2014

Development Plans consulted 7 May 2014

Head Of Leisure And Culture consulted 7 May 2014

Manager Of Housing North West Leicestershire District Council consulted 7 May 2014

Police Architectural Liaison Officer consulted 7 May 2014

LCC/Footpaths consulted 7 May 2014

National Forest Company consulted 7 May 2014

Network Rail consulted 7 May 2014

DEFRA consulted 7 May 2014

LCC Fire and Rescue consulted 7 May 2014

Head Of Street Management North West Leicestershire District consulted 7 May 2014

LCC/Footpaths consulted 7 May 2014

NWLDC Footpaths Officer consulted 14 May 2014

4. Summary of Representations Received

Environment Agency has no objections subject to conditions

Highways Agency has no objections

Hugglescote and Donington le Heath Parish Council objects on the following grounds:

- Concern over traffic flow and speed
- Parish Council has undertaken a speed watch survey

- Applicants' report written without reference to the full speed watch report
- Traffic speed in speed watch report was measured only outbound, never in the wet and all information was gathered in a County Council approved method, using correctly calibrated machines and followed up by the Leicestershire Police
- Given these inaccuracies the applicants' report should be withdrawn and proper consideration be given to the Parish Council report
- A proposed alternative traffic management scheme utilizing the Grange Road lay-by (located opposite the surgery) has been discussed with the applicants - the Parish Council is aware that the County Council has already approved in principle a scheme to dissect the green opposite the surgery but the developers should nevertheless give consideration to these proposals, and have not objected to the Parish Council's proposals being forwarded to the County and District Councils for further consideration
- If the Planning Committee is minded to permit the application, access should be removed from the application and reserved for subsequent approval
- Flood risk - local knowledge has already identified that this site floods at times of prolonged wet weather and it is unclear as to the depth of survey work carried out to take account of the potential flood risk issues

Leicestershire County Council Local Education Authority requests developer contributions of £421,090.16 in respect of additional provision in the primary and high school sectors

Leicestershire County Council Library Services Development Manager requests a developer contribution of £5,710

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £6,865 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Landscape Officer has no comments

Leicestershire County Council Highway Authority has no objections subject to conditions, and subject to Section 106 obligations

Leicestershire County Council Rights of Way Officer has no objections subject to conditions

Leicestershire Police objects unless a developer contribution of £41,911 in respect of policing is provided

National Forest Company comments that the proposals have the potential to meet the 20% woodland planting and landscaping requirement as set out in the National Forest Company's Guide for Developers and Planners and has no objections subject to a number of matters being secured as part of the reserved matters proposals

Network Rail notes that the development should make a contribution to the wider transportation infrastructure needs of development in South East Coalville commensurate with the size of the development and including elements in respect of level crossing issues

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £18,119.21

North West Leicestershire District Council Environmental Health has no objections

Third Party Representations

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

- Site liable to flooding
- Site liable to subsidence
- Agricultural / greenfield sites should not be developed when previously-developed sites are available
- Insufficient infrastructure (including schools, healthcare, and highway network capacity)
- Increased traffic / congestion, including at Hugglescote Crossroads
- Site should be part of a nature corridor / recreation area
- Site not originally part of the Bardon Grange development in the Core Strategy
- Additional housing unnecessary
- No change since previous refusal
- Speeding traffic on Grange Road
- HGVs use Grange Road
- Unsafe accesses onto existing lay-by
- There are currently road works in the area
- Development not large enough to make improved public transport viable
- New bus services would result in new bus stops, causing chaos
- Not enough starter homes proposed
- Reduction in separation between Hugglescote and Ellistown / loss of local identity
- Impact on wildlife and ecosystems
- Loss of view
- Loss of recreational facilities / open space
- Improvements to Hugglescote Crossroads would be to the detriment of the village's character

In addition, copy correspondence from the County Councillor for the Coalville Ward to the County Highway Authority has been received advising that she cannot support the County Highway Authority's comments. In particular, the correspondence comments provide as follows:

- The assumptions underlying the County Highway Authority comments (especially about "pain and gain") are now out of date in the light of the revised Strategic Housing Market Assessment figures - there is now local doubt that the SE Coalville SUE will ever materialise
- The District Council is consulting on its Local Plan
- Hugglescote and Donington le Heath Parish Council has engaged a local planning consultant to work with them on a pro bono basis to look at other less costly solutions to the Hugglescote Crossroads problem. The Parish Council's preferred option, being negotiated by the consultant with developers, would allow some limited development without requiring major transport infrastructure investment. The overall aim is to get some "gain" but far less "pain".
- Any decision should be deferred until the appeal on the first application is heard and local consultation with the Parish Council has been undertaken

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"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..."

"120 To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

"121 Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution

- arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- adequate site investigation information, prepared by a competent person, is presented."

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

"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."

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

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

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan.

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

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

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

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

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

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

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential

development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

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

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

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

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

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

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

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area.

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

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

On 11 June 2013, and following the completion of consultation on the draft policy, the District Council's Cabinet approved the revised policy document. The adopted policy states that "Where

the Council is satisfied that a major residential development proposal in or around the Coalville area is proven to be unviable as a result of required developer financial contributions (e.g. off site highway works; education provision and affordable housing requirements), the Council will consider relaxing its normal affordable housing requirements proportionately so as to:

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

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

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

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 other Development Plan policies and National policies.

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

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

Whether or not this site would be considered "appropriate" is a matter of judgement. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is well related to the existing built up area of the settlement. In terms of accessibility generally, the view is taken that, as a site within close proximity of Hugglescote / Coalville and the range of services available therein, it performs relatively well in this regard. The entrance to the site is approximately 1.5km from the town centre (being the closest point of the Core Town Centre Shopping Area as defined in the adopted Local Plan), and there are regular bus routes serving Station Road / Central Road in Hugglescote (approximately 500m from the site entrance).

In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

Housing Land Supply and Limits to Development

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

As reported to Committee on 8 July 2014, however, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed annual housing requirement, on which basis, the Council is now able to demonstrate a supply of 7.04 years (i.e. an excess of 2.04 years beyond the five year requirement, or 1.04 years beyond the five year plus 20% buffer requirement).

As a result of the above Policies S3 and H4/1 should no longer be considered 'out-of-date' in the context of Paragraph 49 of the NPPF - indeed these are Development Plan policies to which the Council should again now properly have regard in determining future planning applications. Whilst the weight to be applied to these policies against other material considerations is a matter entirely for members, officers would advise members, in applying weight to any conflict with Policy S3 in the overall planning balance, to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006).

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to housing land supply and the inclusion of appropriate contributions to local services as detailed below, 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, would perform well in terms of need to travel and the movement towards a low carbon economy.

At the time that the then Pre-Submission Core Strategy was considered by the District Council in April 2012, the report considered by members included a proposed Study Area which was anticipated to form the basis of a defined extent of the proposed South East Coalville Broad Location. The application site falls within the identified Study Area. Whilst the site falls within the Study Area, the applicants are not currently part of the developer consortium which is intending to bring forward the wider South East Coalville development. Nevertheless, the application site has been included within the consortium's emerging masterplan documents (including the South East Coalville Development Brief referred to above), and the general location of proposed development within this part of the Study Area as indicated by the consortium generally accords with that shown on the illustrative masterplan forming part of the application documents, as does the proposed use (i.e. residential). Insofar as the comprehensive development of South East Coalville is concerned, it would be considered preferable for the developers of the application site to be part of the consortium. Having said that, however, it is noted that, by virtue of the former railway (now used as an informal recreational route), the site (which is on the edge of the Study Area) is separated from other development areas (physically, visually and in terms of the logical means of vehicular access) within the Study Area. In view of this, it is considered that the bringing forward of this site in isolation from the remainder of the Study Area would not, in this case, lead to any material harm in terms of the proper planning of the area, nor would it prejudice the comprehensive development and proper planning of the South East Coalville area as a whole, and would therefore, in this regard, satisfy adopted Local Plan Policy E6. This

position would appear to be supported by the overall form of development currently being proposed by the wider consortium. The site is also adjacent to a smaller parcel of "scrub" / woodland (understood to have formerly been used as a nurseries) to the north eastern corner of the site (adjacent to the former railway bridge) which also lies within the Study Area. On the basis of the illustrative masterplan, there would appear to be no reason why the proposed development would necessarily preclude development of this site if this were to be proposed in the future; the County Highway Authority also advises that, in capacity terms, the proposed access onto Grange Road would be likely to be more than sufficient to accommodate the number of dwellings likely to be achievable on a site of this size. Again, therefore, no prejudice of the development of adjacent land would appear likely.

Conclusions in respect of the Principle of Development and Planning Policy

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and, as such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development, and including Local Plan Policy S3, a policy designed to protect the countryside for its own sake.

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 housing land supply. An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance. As set out above, the Council is now in a position whereby it is able to demonstrate a five year supply and, as such, Paragraph 49 of the NPPF would not be engaged. However, given the overall conclusions in respect of whether the site constitutes sustainable development in NPPF terms, however, and given the need to maintain a five year supply of housing, it is considered that release of the site would nevertheless remain appropriate. Having regard to all of the above, therefore, it is considered, overall, that the proposed development of the site is acceptable in principle.

Detailed Issues

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

Means of Access and Transportation

As set out above, all matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access proposed shows vehicular access via a new ghost island priority junction to Grange Road, with the access road passing through the existing grassed area of highway land separating the carriageway from the existing lay-by; the County Highway Authority confirms that this access has been subject to a Stage 1 Road Safety Audit (albeit the potential solution allowing this site to be accessed in conjunction with alterations to the Wainwright Road junction has not to date). Under the proposed details, the existing lay-by would become a pedestrian route and new pedestrian crossings to Grange Road provided. The illustrative layout also shows other potential pedestrian

links into and through the site; these would also be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility of the site still ought to be considered in those terms).

The application is accompanied by a Transport Assessment as well as a Residential Travel Plan. The Transport Assessment indicates that, in the applicants' consultants' opinion, the development is in a location that offers opportunities for journeys to local facilities to be undertaken by foot, including schools, shops, public houses, Hugglescote Surgery and the Millfield Recreation Ground. Whilst there are no bus routes currently passing the site frontage, various services are available from Central Road.

Insofar as the affected junctions on the wider highway network (and the associated junction capacity assessments contained within the applicants' submissions) are concerned, the County Highway Authority comments as follows:

Dennis Street / Grange Road priority junction:

The submitted PICADY assessment is agreed. It is agreed that no mitigation is required because it can be demonstrated that the junction will operate within capacity in the 2019 "with development" scenario.

Dennis Street / Station Road priority junction:

The submitted PICADY assessment is agreed. It is agreed that no mitigation is required because it can be demonstrated that the junction will operate within capacity in the 2019 "with development" scenario.

Hugglescote Crossroads:

No junction capacity assessment has been submitted for Hugglescote Crossroads. In the submitted Transport Assessment it is acknowledged that the junction is currently operating over capacity.

The development will have an impact at Hugglescote crossroads. However, as stated in the Transport Assessment, Leicestershire County Council will be investigating options for junction capacity improvements at this location.

Until such time as a scheme has been identified, a scenario of "short term pain" for "long term gain" is considered to be acceptable. Therefore, it is agreed that this development should contribute towards improvements to the wider highway network in Coalville (which includes for Hugglescote Crossroads) as considered appropriate by North West Leicestershire District Council.

The need for improvements at the Hugglescote Crossroads is recognised in the South East Coalville Development Brief. This junction already experiences congestion and delays, and it is predicted that the growth will exacerbate these issues; this affects access to the town centre and local facilities (such as the Primary School) for all road users, including cyclists and pedestrians, and will impact on the quality of life for local residents (e.g. noise, visual intrusion and pollution impacts). There is, therefore, a clear link between growth in the town and the need to undertake improvements to the junction.

The application itself does not provide for detailed modelling of the Hugglescote Crossroads (i.e. as it is already accepted that it is operating over capacity). Nevertheless, the County Highway Authority has, based on junction capacity modelling undertaken for another application in the vicinity of the site, provided an estimate of likely impacts from the proposed development on

queuing / delays at the Crossroads. These indicate that, in the am peak, the number of queuing vehicles would increase by between 2 and 5 vehicles for the four junction arms, with the most significant increase being on the Grange Road arm, where the additional 5 vehicles would represent an increased queuing time of 26 seconds (to an average of 239 seconds in total for any one vehicle). In the pm peak, the number of queuing vehicles would increase by between 3 and 10 vehicles, with the most significant increase being on the Central Road arm, resulting in an increased queuing time of 51 seconds (to an average of 415 seconds in total).

Birch Tree roundabout:

The submitted ARCADY assessment is agreed. It is agreed that no mitigation is required because it can be demonstrated that the junction will operate within capacity in the 2019 "with development" scenario.

Site access junction:

The submitted PICADY assessment is agreed. It is agreed that the junction would operate well within capacity in the 2019 "with development" scenario. [NB Having regard to a proposed development on land to the north of Wainwright Road (including that subject of a current full application for 75 dwellings, ref. 13/00802/FULM); the applicants have provided alternative access designs for the proposed Grange Road development, one designed to accommodate the development itself, and one which, in the event that both the Grange Road and Wainwright Road schemes were to be undertaken, would accommodate both. The conditions as recommended by the County Highway Authority would allow for either option to be delivered but, in the event that the Wainwright Road scheme had been implemented prior to the Grange Road one, would have the effect that only the "joint" solution would be implementable.]

Other mitigation proposals required by the County Highway Authority (and sought as Section 106 contributions) are as follows:

- A Construction Traffic Routeing Agreement to be submitted to and approved in writing by Leicestershire County Council
- One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (which can be provided through Leicestershire County Council at a cost of £52.85 per pack/dwelling if required)
- Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation (which can be provided through Leicestershire County Council at a cost of £350.00 per pass if required)
- Appointment of a Travel Plan Co-ordinator for a period to 5 years after completion of the development to ensure effective implementation and monitoring of the site wide Travel Plan submitted in support of the planning application;
- A contribution of £6,000 towards iTrace monitoring (transportation monitoring software)
- A contribution towards improvements to the wider highway network in Coalville as considered appropriate by North West Leicestershire District Council (i.e. in accordance with the District Council's contribution strategy - addressed in more detail below)

Further to the concerns raised by Planning Committee at the time the previous application was considered, the County Highway Authority has provided further information setting out its position in respect of the safety of the proposed site access. In this respect, it confirms as follows:

Traffic Speeds

"Speed surveys were undertaken which identified the mean speed to be approximately 35mph and the 85th percentile (wet) speed to be approximately 40mph in both directions, at a location approximately 50m to the east of the proposed site access. At another location approximately 100m to the west of the proposed site access, the mean speed was measured to be approximately 28mph and the 85th percentile (wet) speed to be approximately 31mph. Accordingly, visibility splays have been identified corresponding to 30mph to the west of the proposed site access and 40mph to the east. These were confirmed to be achievable on site by the Highway Authority." Insofar as the concerns raised over the robustness of the applicants' traffic speed data is concerned, the County Council notes that the Parish Council's representations refer to its own readings being undertaken using a "County Council approved method"; Leicestershire County Council confirms that it uses TA 22/81 for measuring vehicle speeds. However, given the limited sample size, the County Council expresses some reservations as to how representative the Parish Council's readings would be. It is also understood that the Speedwatch readings relate only to vehicles observed exceeding the speed limit and, hence, the Parish Council and applicants' respective datasets will, it seems, be measuring different things.

Retention of the lay-by

As set out above, the proposed development would result in the removal of the existing lay-by. The County Highway Authority advises that it has "been consulted on the possible retention of the lay-by, and offered its comment to the transport consultant that there would be no objection in principle should this be proposed, subject to satisfactory tie-in details. However, no further discussions have been held on this point and it would appear that the retention of the lay-by is no longer being pursued. Notwithstanding, the Highway Authority is of the opinion that closure of the lay-by would be preferable, as it would reduce the number of access points on to Grange Road and also noting the fact that visibility from the lay-by joining on to Grange Road is currently poor. During the site visit undertaken by the Highway Authority, only two cars were noted to be parked in the lay-by; such a small number could easily be accommodated within the proposed site access."

Accident Records

The County Highway Authority confirmed that the County Council's accident records for the past 5 years show there were no recorded accidents on Grange Road at the site frontage.

As set out in the summary of representations above, Hugglescote and Donington le Heath Parish Council has suggested an alternative form of access to the application site. In brief, the draft layout provided by the Parish Council suggests access via the existing lay-by, provision of new roundabouts at either end of the lay-by, and partial closure of Grange Road (in effect, diverting Grange Road via the existing route of the lay-by, and reconnecting to the existing line of Grange Road by way of a roundabout at either end of the lay-by). The applicants have considered the Parish Council's proposals, and identify what they consider to be the following key issues:

1. *Only a mini-roundabout can be designed at the western end, as there is not enough land for a normal roundabout. This would be a 4-arm mini-roundabout and they are, generally, not acceptable to the Highway Authority where traffic flows are reasonably high. In addition, there would be insufficient room for splitter islands and signage.*
2. *The left turn from Grange Road (serving the surgery) to the new road cannot be made by a vehicle larger than a 7.7m fire tender. Equally, it would be difficult to make the right turn from the new road to Grange Road for large vehicles. Enlarging the mini-roundabout to accommodate splitter islands is likely to cause further problems with turns into/out of Grange Road.*
3. *It is not possible to achieve the required taper for the ghost island right turn lane in to the*

site. A departure of standard would be required - we have no assurance that this would be permitted.

4. It is possible to design a 3 arm mini-roundabout at the eastern end but forward visibility cannot be achieved.

5. There is no footway provision along the new stretch of road. It would require at least 1 crossing point on the new road and a footway across the grassed central area to connect to the footways on the section of [Grange Road] serving the surgery. This would be against current guidance as it does not provide the most direct pedestrian routes to the west or east.

Our initial review of this option indicates that this is a very compromised design, which does not meet the required highway design standards and furthermore, has not been the subject of a Road Safety Audit.

We do not therefore believe we can progress on the basis of the revised design as we do not believe that planning permission would be granted for this proposal."

In view of this, therefore, the applicants confirm that they wish to proceed with the application as submitted.

In view of its conclusions as set out above, the County Highway Authority raises no objections to the proposals as submitted on highway safety grounds subject to conditions, and subject to the contributions as set out above. Insofar as the strategic highway network is concerned, the Highways Agency does not consider that the proposed development would have a material impact on the closest strategic route (the M1) and raises no objections.

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

The report to Cabinet of 15 January 2013 included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute; based on the figures available at that time, the calculations provided to Cabinet suggested a potential contribution of between £4,419 and £4,884 per dwelling. As of the current position, discussions are ongoing with the County Highway Authority and Highways Agency to establish an appropriate mechanism for securing contributions but, as matters stand, having regard to Local Highway Authority and Local Planning Authority officers' assessment of factors such as infrastructure scheme priority in terms of the importance on the wider highway network, estimated date of site delivery, and proximity of the respective potential developments to the relevant junctions / infrastructure schemes, the intention is that this site would be likely to need

to contribute towards improvements at the Hugglescote Crossroads, and an appropriate contribution of £500,000 has been calculated.

As set out in more detail under Affordable Housing below, in order to accommodate this sum within the scheme whilst retaining its viability, and in accordance with the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, the applicants have undertaken some initial calculations (which would need to be submitted to the District Council in due course and subject to more detailed independent assessment on behalf of the Local Planning Authority) so as to demonstrate the impact that payment of the transportation infrastructure contribution would have on the viability of the scheme. They advise that the initial calculations indicate that the scheme is not viable (when providing for the transportation infrastructure contribution along with other developer contributions and with a full affordable housing contribution as per the District Council's Affordable Housing SPD), and that the quantum of affordable housing would need to be reduced so as to render the scheme viable.

The sum proposed (i.e. £500,000) would, it is considered, represent a reasonable contribution towards those schemes identified as being necessary to enable development to proceed in the Coalville area including those which, insofar as this particular development is concerned, would be necessitated by this development. Separate contributions are also proposed in respect of other highways works which would be required to accommodate this development (i.e. as required by the County Highway Authority and as set out above).

In terms of the accessibility of the site generally, this is considered in more detail above under Principle of Development. Whilst not part of the access proposals submitted at this outline stage, the illustrative masterplan indicates that non vehicular links to adjacent land would be anticipated at the reserved matters stage. The route of public Right of Way N84 passes through the northern part of the site (connecting Grange Road with Dennis Street), and the site abuts Right of Way N50 to the south east, which also connects the site with Dennis Street (Right of Way N79), along with the Millfield Recreation Ground and land to the south of Grange Road (via the former railway). Potential linkages are also shown to the south east of the site, again connecting to the former railway, currently used as an informal recreational route. Whilst all means of access other than the principal vehicular point of access into the site are reserved (and any other accesses would therefore need to be subject to a reserved matters application(s)), it is considered that the information submitted indicates that, in principle, a suitable range of non-vehicular connections could be provided between the site and adjacent land. However, it would need to be demonstrated at the relevant reserved matters stage that the scheme proposed provided an appropriate level of accessibility / permeability for pedestrians. In terms of Right of Way N84, Leicestershire County Council's Rights of Way Officer notes that the route of the right of way as shown on the illustrative masterplan appears to follow the definitive map route (as opposed to the currently walked route, the definitive map route not currently being passable), and requests that the development include a minimum surfaced width of 2m plus 1m grass borders for the section of the footpath passing through the site. At the point where the existing right of way meets Grange Road, the Rights of Way Officer suggests that appropriate signage / gates would be required. In terms of Right of Way N50, the County Council's Rights of Way Officer comments that the route shown on the illustrative masterplan does not fully comply with that shown on the definitive map.

In principle, however, there appears no reason why the development could not provide for appropriate alternative rights of way if the reserved matters proposals would necessitate the extinguishment / diversion of existing rights of way crossing the site. Should this be the case, any application to stop up / divert the affected rights of way would be likely to be dealt with by

the District Council's Cultural Services Officer. As set out in DEFRA Circular 1/09 relating to rights of way, most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and, as such, these issues are usually dealt with at the reserved matters stage. Nevertheless, and as set out above, there appears no reason in principle why a suitable solution could not be found at that time. Similarly, whether or not it would be appropriate to require new gates / signage etc for the existing right of way would, it is considered, depend on what exactly was proposed in terms of the eventual site layout (and what changes, if any, affected the currently walked (and gated / signed) route of Right of Way N84).

In terms of impacts on the rail network, it is noted that Network Rail has suggested that a financial contribution would be appropriate which would allow any future impacts on level crossings within the area arising a result of the development (i.e. increased vehicular use of the crossings) to be mitigated. Having regard to the fact that a Transport Assessment has been submitted in support of the application, it is considered that sufficient information has been provided to enable Network Rail to come to a view as to whether or not the additional traffic associated with the proposed development would have a material impact on local crossings (and, hence, whether any mitigation is necessary and ought to be requested). At the time that the previous application was considered, a condition was recommended to be imposed in respect of a scheme of measures to the Bardon Hill crossing (i.e. equivalent requirements to those required in respect of the Bloor Homes scheme on land to the north of Grange Road) and, on this basis, it would seem appropriate to attach a similar condition in respect of the current application. At the time of preparing this report, no further views had been received from Network Rail as to the need or otherwise for any mitigation, but any additional comments received will be reported on the Update Sheet.

Subject to the above, therefore (and including the applicants making an appropriate contribution towards transportation infrastructure), the proposed development is considered acceptable in terms of Means of Access and Transportation issues.

Landscape and Visual Impact

The application is accompanied by a Landscape and Visual Appraisal, as well as an Arboricultural Assessment. In order to implement the proposed vehicular access to Grange Road, the formation of a new road would be required, crossing an existing grassed area of highway to the site frontage; a number of trees on this area of verge are protected by Tree Preservation Order (TPO) T181.

The Landscape and Visual Appraisal considers the site's context in relation to surrounding development / landscape, and considers the impact upon a total of 16 viewpoints, both within and outside of the application site; longer distance views are, however, not considered likely given the surrounding topography and vegetation which serve to limit the visibility of the site from further afield. Overall, the Landscape and Visual Assessment concludes that development in accordance with the Illustrative masterplan would allow a sympathetic urban extension to be created that, subject to appropriate detailed design, would not appear discordant with the character of the area, nor result in any material impact on the quality of the surrounding landscape. In view of the context of the site, it is accepted that these conclusions are reasonable.

In terms of retained / proposed planting, the site is in the National Forest, and the scheme's performance vis-à-vis the relevant National Forest standards is set out under the relevant section below. In terms of the extent of landscaping and other open space cover proposed in

respect of the development, it is noted that the illustrative masterplan indicates that substantial areas of existing vegetation would be retained throughout the site and, in particular, to the central area of the site. Also proposed are other areas of landscaping within the site, with the total quantum of public open space / landscaping and other green infrastructure constituting approximately 49% of the total site area as indicated on the illustrative masterplan (or approximately 44% when excluding the retained highway verge forming part of the site). It is considered that the scheme as indicated on the illustrative masterplan represents a suitable balance between built development and landscaping, and the development of the site in the manner indicated on the illustrative masterplan (i.e. two principal parcels of development either side of a central open space based around the watercourse) would serve to provide for a suitable form of development which, whilst lying adjacent to the existing built up area of the town, is outside Limits to Development as defined in the adopted Local Plan, and would in a sense form a "semi-rural" gateway to the settlement of Hugglescote.

Trees cover much of the site, including TPO protected trees along Grange Road, and a significant number of unprotected trees in the vicinity of the watercourse within what would, on the basis of the illustrative material, be likely to be retained as open space. In general terms, however, and whilst the District Council's Tree Officer has previously made observations in respect of some of the trees' protection zones as shown on the submitted material, there would appear to be no reason why the most important trees could not be adequately accommodated at the reserved matters stage(s). In terms of impact of the proposed vehicular access through the area affected by the TPO, it is noted that the scheme indicates the removal of two trees adjacent to the access where it meets Grange Road, both of which are specifically protected under the TPO; the trees in question are a weeping ash and a cherry. The ash is categorised in the submitted Arboricultural Assessment as retention category C (i.e. "Low"); the cherry is categorised as retention category U (i.e. unsuitable for retention on arboricultural grounds, in this instance by virtue of the tree's condition, the tree having an open wound with exposed heartwood). As such, only the ash would be proposed to be removed specifically to enable access to be formed. However, having regard to the relatively low value of the tree, and the need to provide for a suitable form of access, it is considered that the impacts on these trees would be acceptable.

Overall, in respect of issues relating to Landscape and Visual Impact, the view is taken that the proposals are acceptable.

Loss of Agricultural Land

Part of the site is currently in agricultural use (including grazing) and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification. Whilst the applicants have not provided a detailed assessment of the agricultural quality of the site, they note that provisional data provided by MAFF indicates it would be Grade 3b (and not, therefore, BMV).

However, also of relevance to this issue is the limited size of the site (and, hence, the limited impact on loss of agricultural land). Whilst the NPPF does not suggest that release of smaller

BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. Also relevant is the extent to which change of use of the BMV land is irreversible. Whilst the submitted masterplan is illustrative only, it is noted that it indicates that a significant proportion would be given over to National Forest planting and public open space which, it is considered, would not necessarily preclude its future re-establishment in active agricultural use if circumstances so dictated.

Overall in terms of agricultural land quality, therefore, the evidence available indicates that the land would not constitute BMV but, even if some or all of it were, given the limited extent of land lost, it is not considered that this would be a significant loss. However, this would need to be weighed against other material considerations and, whilst some (albeit limited) adverse impacts in this regard cannot be ruled out, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue would not be sufficient to suggest that planning permission should be refused.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) and a Foul Water Drainage Strategy have been submitted in support of the application. The Environment Agency flood zone maps indicate that the majority of the site lies within Flood Zone 1, although parts of the central part of the site (i.e. adjacent to the existing watercourse) fall within Zones 2 and 3. However, it is not proposed to erect any dwellings within these higher risk areas, all dwellings being located within Zone 1 only. Whilst the proposed dwellings would be located outside of Zones 2 and 3, the Environment Agency advises that the sequential test would nevertheless still need to be applied as the application site as a whole includes such areas. In this instance it is considered that the sequential test would be satisfied given the limitation of proposed dwellings' siting to areas within Zone 1. Whilst the site includes land falling outside of Zone 1, it is considered reasonable to accept that this in itself should not prevent the sequential test being passed, particularly when having regard to the availability of alternative sites, and the need to release land for housing as set out above. It is noted that areas of public open space / children's play could be subject to flooding during extreme events. However, the approach to location of appropriate uses as set out in the NPPF does not preclude such uses, and it is accepted that no significant harm would be likely to result from the inaccessibility of these areas for a limited period during such extreme events, given the relatively low frequency of such events. The Environment Agency raises no objection to the application on the basis that the Local Planning Authority determining that the sequential test is passed. Insofar as the proposed access road crossing the watercourse is concerned, the FRA confirms that it will be designed so as to ensure that the road levels of the crossing would remain above the predicted 1 in 1,000 year flood level. Conditions to ensure that performance of the floodplain remains unaffected by the crossing are included in those recommended to be attached by the Environment Agency. The FRA also confirms that, as there would be no built development within the floodplain, no compensatory storage would be required.

Insofar as other sources of flooding are concerned, the FRA considers the potential impacts from groundwater, sewer, reservoirs and canals, and concludes there are no significant issues in terms of these sources. Whilst the possibility of flooding from overtopping or surcharge of existing storm water sewers is identified in the FRA, it also concludes that the probability is low.

In terms of on-site surface water drainage, the application documents indicate that the development would direct surface water into the existing watercourse. In order to attenuate any increased rates of discharge into the watercourse, it is proposed to incorporate a range of SUDs

features on either side of the watercourse (including swales and permeable pavements) so as to accommodate the 1 in 100 year plus 30% storm event.

Insofar as foul drainage is concerned, it is proposed to connect to a new sewer which, the FRA advises, is intended to be provided through the site as part of proposed diversion works by Severn Trent Water.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development.

Design

The application is supported by a Design and Access Statement (and including a Building for Life assessment) setting out the applicants' proposals, and explaining the approach taken in terms of design. Having reviewed the proposals and the Design and Access Statement, the District Council's Urban Designer has raised concerns regarding the illustrative scheme (which differs from that proposed in respect of the earlier application), and supplementary information has been provided in order to seek to address these issues. Whilst this additional information has to some extent provided additional explanation as to the applicants' proposals (and includes illustrative sections showing the treatment of the SUDS and the proposed retaining wall indicated within the southern development parcel), concerns in particular remain regarding the approach to permeability which, by virtue of the scheme shown would, it is considered, be limited within the southern section. In officers' view, the illustrative scheme would benefit from provision of smaller perimeter blocks within this area of the site, thus providing for additional pedestrian routes across to the open space and northern parcel. For their part, the applicants advise that the illustrative scheme indicated is designed in this way due to the levels on the site, and the need for routes to be of limited gradient (and without steps) if they are to be adopted by the County Council. Whilst it is accepted that gradients are indeed likely to be a constraint in this respect, officers remain to be convinced that this necessarily precludes provision of a more permeable form of development, and regardless of whether the routes are intended to be adopted by the County Council or could in fact be managed in an alternative fashion. Other concerns raised include the appropriateness of the use of a substantial retaining wall as suggested, and the approach taken to identifying and defining the scheme's character.

Notwithstanding these concerns, however, it is accepted that the scheme is in outline only and, whilst officers do not, at this stage, accept that the design solution indicated on the illustrative layout is the most appropriate, there appears no overriding reason why the site cannot, in design terms, deliver an appropriate scheme. As such, it is accepted that the unresolved design-related concerns should not preclude the granting of outline planning permission.

Residential Amenity

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

In terms of future residents' amenities, it is noted that the site is not located in close proximity to any existing incompatible land uses and, in principle, there appears no reason why the development would not be appropriate in this regard, and no objections are raised by the District Council's Environmental Protection team.

Insofar as the impacts on neighbouring occupiers arising from the proposed development are concerned, whilst an illustrative masterplan has been submitted, all matters are reserved for subsequent approval. Any reserved matters scheme would need to be appropriately devised at the edges of the site adjacent to other dwellings (primarily to the north western part of the site where the illustrative masterplan shows proposed dwellings in the vicinity of existing dwellings off Dennis Street) so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity but there is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard.

In terms of potential impacts to occupiers of existing dwellings on Grange Road, on the basis of the submitted masterplan, these would appear likely to be insignificant. Whilst there would be likely to be some impacts on occupiers of dwellings directly adjacent to the proposed vehicular access (and including from vehicular movements and, for example, car headlights of vehicles emerging from the site), it is accepted that such impacts would not represent unacceptably adverse loss of amenity, and a refusal of planning permission on such an issue would be unlikely to be sustainable on appeal.

Ecology

The application is supported by an Ecological Appraisal of the site. This provides that the closest statutorily designated sites of nature conservation of importance to the application site are approximately 2km from the site (being the Bardon Hill Quarry and Bardon Hill Sites of Special Scientific Interest (SSSIs)); no adverse impacts are anticipated in terms of these sites. In terms of non-statutory designation, none are located within 1km of the application site, although the site itself includes a candidate Local Wildlife Site, and a number of other potential Local Wildlife Sites are within close proximity. In terms of the candidate Local Wildlife Site within the application site itself, it is proposed that this be retained within the proposals (i.e. as part of the development's green infrastructure, albeit without public access so as to maintain / enhance its ecological value), and suitably buffered and protected in order to minimise potential effects during and after construction. In terms of the other potential Local Wildlife Sites located in close proximity to the site boundary, again the Appraisal recommends that appropriate protection during construction would be required in order to minimise disturbance effects.

In terms of the biodiversity value of the site, this is generally considered to be low, largely comprising grazed species poor grassland. Features of ecological interest identified within the Appraisal include swamp, standing and running water, hedgerows, scrub, hedgerows and trees which, it confirms, would largely be retained within the proposals.

Insofar as protected species are concerned, the Appraisal identifies potential habitat / foraging areas for bats, great crested newt, badger, reptiles and birds within the site (although no direct evidence of badger was found on the site, and the great crested newt habitat is indicated as being limited to commuting habitat only). Having regard to the overall findings, and subject to various recommendations in respect of mitigation measures and additional future survey work, the Appraisal concludes that no adverse impacts on ecological interests would result.

Leicestershire County Council's Ecologist has been consulted on the proposals; whilst no comments had been received at the time of preparing this report, no objections were raised in respect of the earlier application subject to conditions securing the various mitigation measures and a management plan for the potential Local Wildlife Site; any comments subsequently

received will be reported on the Update Sheet. Reference to Natural England's standing advice appears to indicate that the proposals are acceptable subject to conditions.

The proposals are therefore considered to be acceptable in terms of their ecological impacts, subject to the imposition of suitably-worded conditions.

Heritage Issues

The application is supported by an archaeological Geophysical Survey Report. This concludes that, whilst there are various mining-related remains within the site, there would appear to be little else likely to be of archaeological interest; no representations have been received from the County Archaeologist.

In terms of other heritage issues, it is noted that there are no listed buildings or Conservation Areas within the immediate vicinity of the site, nor are there considered to be any non-designated heritage assets affected by the proposals.

Geo-Environmental Conditions

A geo-environmental site assessment has been submitted with the application which provides an assessment of the site's ground conditions, and indicates that there are no impediments to the site's development in terms of contamination or general ground conditions. It is noted that concern has been raised regarding potential subsidence within the site; the submitted geo-environmental assessment confirms that eight seams of coal have been worked underneath the site at depths of between 80 and 240 metres (having last been worked in 1983) and that ground movements from those workings should now have ceased. Whilst the geo-environmental site assessment confirms that ongoing settlement monitoring continues on the site, no specific mitigation in relation to potential subsidence is recommended, given the conclusions that, whilst settlement has taken place, this process now appears to be complete. The site is not within a Coal Authority referral area but is subject the Coal Authority's standing advice (and as set out in Informative 3 within the recommendation below). Insofar as contamination issues are concerned, the District Council's Environmental Protection team previously raised no objection to the application subject to conditions, and including in respect of further investigations and mitigation measures where required.

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.

The relevant developer contributions (save for those already considered under Means of Access and Transportation) are listed below.

Affordable Housing

As per the applicants' previous application, and in response to the Cabinet report referred to above in respect of the prioritisation of transportation infrastructure over affordable housing, the applicants propose to make a minimum affordable housing contribution of 10% (i.e. up to 11 dwellings); the Local Planning Authority's current requirements for the Coalville area for a scheme of this scale would usually require a minimum contribution of 20%. In terms of tenure, the applicants advise that, at this stage, they are unable to confirm how this would be split between social rent, intermediate and affordable rent. They do however advise that the affordable housing would be tenure blind in terms of appearance and would be clustered throughout the site so as "to ensure a mixed and balanced community whilst enabling effective housing management by the Registered Provider."

Clearly an affordable housing contribution of 10% would fall below the minimum 20% contribution the District Council's Affordable Housing SPD seeks to secure from new housing development in Coalville but, for the reasons as set out under Means of Access and Transportation above, is considered an acceptable approach if this level of contribution is the highest that can be demonstrated as viable; if a higher contribution is subsequently found to be viable by the Local Planning Authority's independent assessors, then it is considered that this higher level should be secured. Having regard to the approach suggested in the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, and given the under-provision of affordable housing vis-à-vis the adopted Affordable Housing SPD, it would be considered appropriate to limit the implementation period of any planning permission granted accordingly.

In terms of the impacts of the reduced provision of affordable housing, this was assessed in more detail when the *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy was introduced. A significant housing need already exists within the District, and the recent Strategic Housing Market Assessment (SHMA) has indicated that the level of affordable housing provision within the district required to meet the identified need is 209 new affordable dwellings per annum between 2011 and 2036. In the years 2011/12, 2012/13 and 2013/14, the numbers of affordable houses built in the District were 57, 82 and 83 respectively and, therefore, even at current levels of provision, and notwithstanding a recent increase, the housing needs of many people within the District are not being met, and whilst securing a contribution in this instance would assist, the contribution proposed would be below that which would ordinarily be sought in this area. A lack of affordable housing in the District would be likely to impact upon some of the most vulnerable people within the District and has the potential to increase the number of homelessness cases. However, this needs to be balanced against the Government's support for Local Planning Authorities taking a proportionate approach to developer contributions and viability (and as indicated in Paragraph 173 of the NPPF) so as to enable development to come forward to meet market (if not affordable) housing needs, and the need to consider the potentially harmful impact on other service areas were the shortfall in viability to be addressed by way of reductions in contributions to other areas of infrastructure.

As set out above, the NPPF contains a presumption in favour of sustainable development, the dimensions of which include a social dimension, with the planning system's role being to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. It is considered that, in this sense, a reduced affordable housing contribution would not assist in ensuring the development performs well in respect of the social dimension. On balance, however, whilst the contribution proposed would be substandard vis-à-vis the current affordable housing standards set out in the District

Council's SPD, on the assumption that the applicants were able to demonstrate that no contribution could be provided from a viability point of view, it is considered that the reduced quantum of affordable housing would not be unacceptable in this case, and particularly when balanced against all other viability considerations and other aspects of sustainable development.

Children's Play and Public Open Space

The illustrative masterplan shows a significant extent of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space, with the open space including an on-site equipped children's play area. In terms of the extent of the equipped parts of the play area, on the basis of the illustrative details, this would be in the order of 420 square metres. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of 105 dwellings, an area for children's play of 2,100 square metres would normally be required. Whilst this represents a shortfall in this regard, the extent of the "play area" in its general terms (which is the figure to which the SPG relates) is normally calculated in its wider sense and, when taking into account the other landscaped open space in the immediate vicinity of the equipped play area (and as discussed under Landscape and Visual Impact above), the minimum requirements of the SPG would be comfortably met. Overall, the illustrative material indicates that 3.73ha (i.e. 51%) of the 7.3ha site would be given over to residential use, the remainder being given over to public open space, the candidate Local Wildlife Site, strategic landscaping and SUDs measures, a pumping station, and land within the public highway to the site frontage.

In terms of the range of equipment necessary, for developments of this number of dwellings, Local Plan Policy L22 and the District Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity, as well as a "kickabout" area. In addition, formal recreation open space (e.g. sports pitches) should also be provided for. Whilst on-site "kickabout" and recreational open space provision is not proposed, the applicants have advised that they would be agreeable to making a financial contribution to the nearby Millfield Recreation Ground subject to appropriate justification.

National Forest planting

The applicants' proposals show the provision of on-site National Forest planting as part of their wider landscaping and public open space proposals and the illustrative proposals meet the National Forest woodland planting and open space standards of 20% of the site area. The proposals are therefore considered appropriate in this regard, particularly when considered in the context of the conclusions reached under Children's Play and Public Open Space above.

Education

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

Primary School Requirements:

The site falls within the catchment area of Hugglescote Community Primary School. The School has a number on roll of 424 and 487 pupils are projected on the roll should this development proceed; a deficit of 63 places (of which 37 are existing and 26 would be created by this development).

The County Council also refers to four other primary schools within a two mile walking distance of the development, namely Belvoirdale Community Primary School, Ellistown Community Primary School, Broom Leys School and All Saints Church of England Primary School. Ellistown Community Primary School and Broom Leys School have surpluses of 28 and 62 places respectively; Belvoirdale Community Primary School and All Saints Church of England Primary School have deficits of 35 and 130 places respectively. Having regard to these other schools, the overall deficit including all schools within a two mile walking distance of the development is 138 places. The 26 deficit places created by this development could not therefore be accommodated at nearby schools and a claim for an education contribution in respect of 26 school places in the primary sector (equating to £304,895.05) is made. The County Council also comments that, as there are plans for a new primary school in this area, this contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing facilities at the primary school that the children from the development would be expected to attend.

High School Requirements:

The site falls within the catchment areas of Newbridge High School. The School has a net capacity of 590 and 623 pupils are projected on roll should this development proceed; a deficit of 33 places (of which 22 are existing and 11 would be created by this development). The County Council also refers to two other high schools within a three mile walking distance of the development (namely Ibstock Community College and Castle Rock High School) into account; Ibstock Community College has a deficit of 15 places and Castle Rock High School has a surplus of 41 places. When taking all three schools into account, the overall deficit would be 7 places, and a contribution of £116,195.11 is therefore sought in respect of this sector.

Upper School Requirements:

The site falls within the catchment area of King Edward VII Science & Sports College. The College has a net capacity of 1193 and 1066 pupils are projected on roll should this development proceed; a surplus of 127 places after taking into account the 11 pupils generated by this development, and no contribution in respect of the Upper School sector is therefore requested.

The applicants are agreeable to making the education contributions requested, subject to review mechanisms in the event that the number of dwellings be reduced at the reserved matters stage or a lowering of the County Council's cost per place figures.

Civic Amenity

A contribution of £6,865 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council.

Library Services

A contribution of £5,710 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

Healthcare

NHS England requests a developer contribution of £18,119.21 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed

information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on other surgeries rather than the nearby Hugglescote surgery) together with commensurate costs of mitigation. It is considered that this request would meet the relevant CIL and NPPF tests, and the applicants have confirmed that are agreeable to making the contribution sought.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £41,911 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£4,409
Vehicles	£2,667
Additional radio call capacity	£268
Police National Database	£136
Additional call handling	£234
ANPR	£2,055
Mobile CCTV	£500
Additional premises	£31,432
Hub equipment	£210

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

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

Conclusions

As set out in the main report above, whilst the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's obligations in respect of maintaining a five year housing land supply (and the approach taken in respect of such within the NPPF). Whilst the site is located outside of Limits to Development as defined in the adopted Local Plan, having regard to its location adjacent to the existing settlement and its associated services, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefit from a presumption in favour of such development as set out in that document. The scheme is considered to be acceptable in terms of technical issues (and including in respect of transportation and highway safety issues), such that there appear to be no other reasons to prevent the site's development for housing. Whilst the proposed development would, for viability reasons, be unlikely to be able to support the full range of infrastructure requirements necessary to accommodate the development (and, in particular, the necessary improvements to local transportation infrastructure), the applicants are proposing to address this by way of making a reduced contribution to affordable housing, in accordance with the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, thus ensuring that appropriate infrastructure contributions are made. Whilst this would result in a reduced affordable housing contribution, an appropriate contribution would nevertheless be made, when having regard to the approach taken in the District Council's

financial contributions priorities policy. It is therefore recommended that outline planning permission be granted.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following conditions:

- 1 Save for the details of vehicular access into the site from Grange Road, 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 Grange Road), 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 one year from the date of this permission and the development hereby permitted shall begin before the expiration of one year 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), and to accord with the requirements of the Local Planning Authority's emerging policy relating to developer contributions.

- 4 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Site location plan (CSa/1940/108 Rev B) deposited with the Local Planning Authority on 24 April 2014
 - Proposed site vehicular access (063) deposited with the Local Planning Authority on 16 July 2014 or proposed site vehicular access (059 Rev B) deposited with the Local Planning Authority on 24 April 2014

Reason - To determine the scope of this permission, and for the avoidance of doubt.

- 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 access (both to and within the site), site layout, areas of open space / children's play, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site takes place in a consistent and comprehensive manner.

6 A total of no more than 105 dwellings shall be erected.

Reason - To define the scope of this permission.

7 The development permitted by this planning permission shall not be carried out other than in strict accordance with the approved Flood Risk Assessment (FRA) dated 17 April 2014, ref. R-FRA-R6554PP-01 Rev A undertaken by JPP Consulting and the following mitigation measures detailed within the FRA:

- No built development within the 100 and 1,000 year flood plain outlines (Flood Zones 2 and 3);
- Provision of watercourse crossings in accordance with current best practice guidance; and
- Limiting the discharge rate for surface water run-off and provision of surface water attenuation storage on the site, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Unless any alternative programme is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as the mitigation measures have been fully implemented.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, and to ensure future maintenance of the watercourse.

8 No development shall commence on the site until such time as a surface water drainage scheme for the site (or, in the case of phased development, for the relevant phase of the site), based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable. The scheme shall include:

- Surface water drainage system(s) to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken;
- Limiting the surface water run-off generated by the all rainfall events up to the 100 year plus 20% for commercial, 30% for residential (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 attenuation storage on the site to accommodate the difference between the allowable discharge rate and all rainfall events up to the 100 year plus 20% for commercial, 30% for residential (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.

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.

- 9 The development hereby permitted shall not be commenced until such time as a scheme to detail each individual watercourse crossing (including pedestrian footbridge and vehicular crossings) and demonstrating that any associated raising of ground levels or bridge soffit levels will not result in elevated flood levels or loss of flood plain storage, has been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency and Lead Local Flood Authority (LLFA). The scheme shall include, but not be exclusive of:
- Limiting the number of crossings of the Hugglescote Brook, and removal or upgrade of the existing footpath crossing located downstream of survey section 18;
 - Crossings to be provided as clear span bridges or arches above reinstated natural bank and bed in preference to any (box) culverting, including the upgrading of existing crossings, where upgrading is required or proposed;
 - Crossing soffits set a minimum of 600mm above the modelled 100 year plus 20% (for climate change) flood level applicable at the crossing site;
 - Crossing abutments set back beyond the top of the natural bank of the watercourse;
 - Where necessary, culverts designed in accordance with CIRIA C689 (including up sizing to provide a free water surface and natural bed), and to have a minimum width / length of culvert essential for access purposes;
 - Provision of compensatory flood storage for all ground levels raised within the 100 year flood plain applicable at any crossing sites, including proposed location, volume (calculated in 200mm slices from the flood level) and detailed design (plans, cross and long sections) of the compensation proposals;
 - Compensatory flood storage provided before (or, as a minimum, at the ground works phase) of the vehicle bridge and any other crossing construction;
 - Detailed designs (plans, cross and long sections, and calculations) in support of any crossing;
 - Details of how the scheme shall be maintained and managed after completion;
 - Modelling - re-run with the detailed design of watercourse crossings; and
 - A timetable for the relevant works.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority in consultation with the Environment Agency and LLFA.

Reason - To avoid adverse impact on flood storage, to reduce the risk of flooding to the proposed development and future occupants, to reduce the risk of flooding to adjacent land and properties, to improve and protect water quality, to improve habitat and amenity, and to ensure future maintenance of the surface water drainage system.

- 10 No development shall commence on the site until such time as a construction working method statement to cover all watercourse works (including pedestrian and vehicular crossings) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme (or any amended method statement subsequently submitted to and agreed in writing by the Local Planning Authority).

Reason - To protect local watercourses from the risk of pollution.

- 11 No development shall commence on the site (or, in the case of phased development,

within the relevant phase of the site) until such time as a scheme of foul drainage for the site / phase, and including a timetable for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timetable. The submitted scheme shall demonstrate that any additional flows discharging into the foul sewerage drainage network will not cause deterioration in the operation of any combined sewer overflows either upstream or downstream on the network and that there will not be an increase in spill frequency or volume from any CSOs affected by the increase in volume within the sewerage network.

Reason - To ensure that the development is provided with a satisfactory means of drainage, and an increase in spill frequency or volume would result in the discharge of raw sewage to the River Sence thereby risking deterioration of the water body and failure to meet Water Framework Directive standards.

- 12 Notwithstanding the submitted details, no development shall commence on the site until such time as a plan of the trial pit and window sample locations to which the investigations set out in the submitted geoenvironmental site assessment relate has been submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure that the land is fit for purpose, and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 13 No development shall commence on the site until such time as a Risk Based Land Contamination Assessment report on the further works outlined in section 9.1.1 of RSK report Project No. 301011-1(00) Grange Road, Hugglescote dated May 2012 has been submitted to and agreed in writing by the Local Planning Authority. The assessment shall be carried out in accordance with:

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

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination (Environment Agency 2004); the Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1 (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 that 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 implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled water receptors and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 14 None of the dwellings shall be occupied until such time as a verification investigation 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, and the report showing the findings of the verification investigation has been submitted to and agreed in writing by the Local Planning Authority. The verification 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 of 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 Remediation Scheme have been completed

Reason - To ensure that the land is fit for purpose, and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 15 No development shall commence on the site until such time as precise details of proposed mitigation and / or management measures (and including a timetable for their implementation) as set out in sections 4.1 to 5.9 (inclusive) of the Ecological Appraisal (Rev A dated 22.04.14 prepared by FPCR) and as set out in sections 4.1 to 5.1 (inclusive) and sections 5.1 to 5.6 (inclusive) of Appendices D and E respectively of the Appraisal have been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative measures are first agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in strict accordance with the agreed measures and timetable.

Reason - In the interests of nature conservation.

- 16 No development shall commence on the site until such time as a conservation management plan for the candidate Local Wildlife Site (and including a timetable for its implementation) has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out and occupied in accordance with the agreed management plan and timetable.

Reason - In the interests of nature conservation.

- 17 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement in respect of criteria / sub-

categories contained within the Code for Sustainable Homes. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, none of the dwellings hereby permitted shall be occupied until such time as evidence to demonstrate compliance with the relevant criteria has been submitted to and agreed in writing by the Local Planning Authority.

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

- 18 None of the dwellings hereby permitted shall be occupied until such time as the Grange Road site access junction and all associated works within the public highway as shown on either drawing no. 063 or drawing no. 059 Rev B have been provided in full and are available for use.

Reason - To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 19 No development shall commence on the site until such time as a construction vehicle management plan, including wheel cleansing facilities and construction vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first 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 approved details and timetable.

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

- 20 No development shall commence on the site until such time as a scheme of works to the Bardon Hill level crossing has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative timescale is first agreed in writing by the Local Planning Authority, no part of the development shall be occupied until such time as the agreed works have been carried out in full in accordance with the agreed scheme of works.

Reason - In the interests of railway safety.

- 21 Notwithstanding the submitted Travel Plan, no development shall commence on the site until such time as a scheme of measures designed to reduce the amount of single occupancy car journeys to/from the site (and including a timetable for their implementation) has been submitted to and agreed in writing by the Local Planning Authority. The measures shall be implemented in accordance with the agreed scheme and timetable.

Reason - To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to/from the site.

- 22 No site works of any description in respect of the formation of the vehicular access to Grange Road shall take place on the site at any time unless the existing trees shown as retained on drawing no. 5104-A-04 Rev C deposited with the Local Planning Authority on 1 July 2014 are securely fenced off in accordance with measures for their protection as

detailed within the submitted Arboricultural Assessment dated April 2014. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

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

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant both at the pre-application stage and during the application 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 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
- 3 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

- 4 Your attention is drawn to the attached report of the Environment Agency.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highway matters.
- 6 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer. The applicants are advised to have regard to the issues raised when preparing any reserved matters scheme.
- 7 Your attention is drawn to the attached report of North West Leicestershire District Council's Cultural Services Officer regarding Rights of Way.
- 8 Your attention is drawn to the attached report of the National Forest Company.
- 9 Your attention is drawn to the attached report of Network Rail.
- 10 The applicants' attention is drawn to the presence of protected and unprotected trees within the site, and any applications for the relevant reserved matters should have regard to the need to minimise loss of trees in this National Forest setting, as well as be supported by an appropriate arboricultural report and impact assessment. Notwithstanding the details shown on the submitted illustrative masterplan, the details submitted at the reserved matters stage(s) should have regard to the presence of existing trees and, in particular, those subject to Tree Preservation Orders.
- 11 The applicants are advised that, at the reserved matters stage, the Local Planning Authority will expect the detailed scheme to be accompanied by a Building for Life 12 assessment, and that the scheme should be capable of achieving 12 "Greens" under Building for Life 12, and may be subject to independent design review (e.g. by OPUN or an equivalent body). In particular, the applicants are advised of concerns regarding the submitted illustrative scheme, and including the lack of connectivity which would be likely to generate a "red" indicator under the relevant criterion. against any future Building for Life 12 assessment of the scheme. The applicants are also advised that, insofar as the illustrative retaining wall is concerned, in order to ensure a suitable design solution and to address issues of overlooking between properties, the applicants are advised to ensure that any scheme including such a feature should provide for gardens of suitable depth to allow for a band of trees to be planted so as to safeguard future residents' privacy.

Whilst the outline planning permission relates to a development of up to 105 dwellings, the applicants are advised that any application for reserved matters will be required to demonstrate that the level of development proposed as part of those proposals can be accommodated in an appropriate fashion without unduly compromising design quality.

12 This decision is in accordance with the resolution of the Planning Committee of 2 September 2014 and is subject to a Section 106 Obligation.