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Development of up to 180 dwellings, including a retail unit,  
access and associated infra-structure (outline - all matters  
reserved apart from part access)

Report Item No  
A4

Land South Of Greenhill Road Coalville Leicestershire

Application Reference  
14/00614/OUTM

Applicant:  
Gladman Dev

Date Registered  
27 June 2014

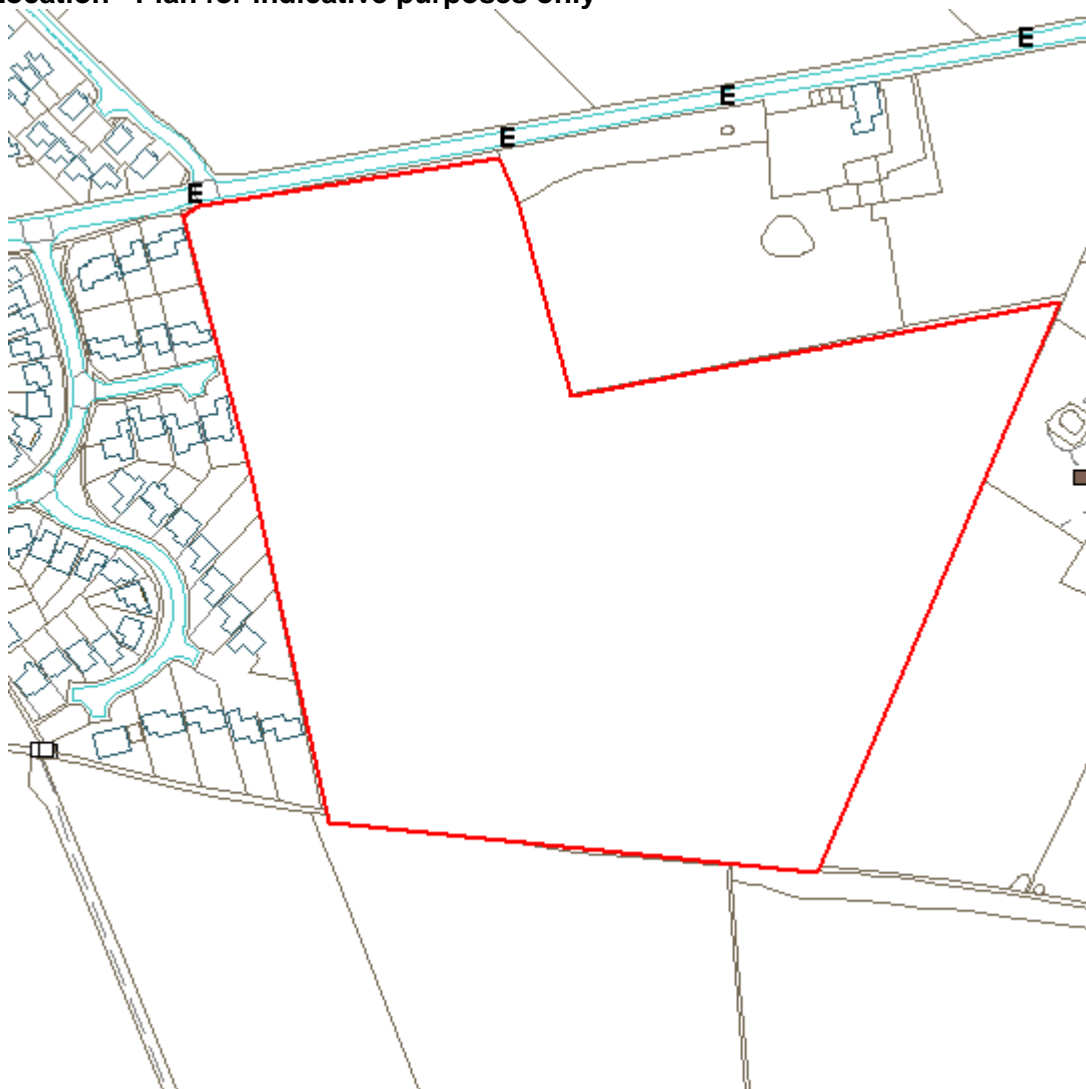
Case Officer:  
James Knightley

Target Decision Date  
26 September 2014

Recommendation:  
REFUSE

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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 180 dwellings, a retail store and associated works.

### **Consultations**

Members will see from the main report below that objections have been received in respect of the proposals; there are a number of other objections raised by statutory consultees having regard to unresolved technical issues.

### **Planning Policy**

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and also within an Area of Particularly Attractive Countryside. 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 the application site is a greenfield site outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and is, for the most part, Best and Most Versatile agricultural land. Whilst the site has some degree of connectivity to local services, and whilst the District Council needs to maintain a five year (plus buffer) housing land supply, the view is taken that release of the site would not in any event constitute sustainable development, particularly when having regard to its location within an Area of Particularly Attractive Countryside (wherein Local Plan Policy E22 presumes against development which would diminish the present open character of such areas). In addition, there are a number of unresolved technical issues in respect of transportation (and, accordingly, air quality) and flood risk. The application as submitted also does not provide for appropriate contributions to infrastructure required to support the proposed development.

### **RECOMMENDATION:-**

#### **REFUSE**

**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 7.22 hectares primarily comprising grassland for up to 180 dwellings on land to the south of Greenhill Road, Coalville.

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 and shop (the shop being located to the north western part of the site), together with areas of public open space / children's play and surface water attenuation facilities.

The site is adjacent to agricultural and residential land, and lies to the opposite side of Greenhill Road from a site the subject of a recent resolution to grant planning permission for 70 dwellings (ref. 14/00050/FULM).

Vehicular access is proposed by way of a new priority access onto Greenhill Road. 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).

### 2. Publicity

39 no neighbours have been notified.(Date of last notification 14 October 2014)

Press Notice published 23 July 2014

Site notice posted 22 July 2014

### 3. Consultations

1 September 2014 County Planning Authority  
1 September 2014 Head of Environmental Protection  
14 October 2014 Environment Agency  
14 October 2014 LCC ecology  
18 July 2014 County Highway Authority  
18 July 2014 Environment Agency  
18 July 2014 Severn Trent Water Limited  
18 July 2014 Head of Environmental Protection  
18 July 2014 Natural England  
18 July 2014 NWLDC Tree Officer  
18 July 2014 County Archaeologist  
18 July 2014 LCC ecology  
18 July 2014 Airport Safeguarding  
18 July 2014 NWLDC Urban Designer  
18 July 2014 National Forest Company  
18 July 2014 LCC Fire and Rescue  
18 July 2014 LCC Development Contributions  
18 July 2014 NHS Leicester, Leicestershire And Rutland Facilities Managme  
18 July 2014 Development Plans  
18 July 2014 Head Of Leisure And Culture  
18 July 2014 Manager Of Housing North West Leicestershire District Council

18 July 2014 Police Architectural Liaison Officer  
18 July 2014 Highways Agency- affecting trunk road  
18 July 2014 Head Of Street Management North West Leicestershire District  
18 July 2014 DEFRA  
1 September 2014 Leicester & Rutland Wildlife Trust

#### 4. Summary of Representations Received

**East Midlands Airport** has no objections

**Environment Agency** objects on the basis of the potential flood risk arising from the proposed drainage scheme

**Highways Agency** has no objections

**Leicestershire and Rutland Wildlife Trust** objects on the following grounds:

- Significant encroachment into the Charnwood Forest - the Charnwood Forest has been identified by the Trust as a priority Living Landscape, by the County Council, the District Council and Charnwood and Hinckley and Bosworth Borough Councils as a candidate Regional Park and by the National Forest Company as a key area within the National Forest
- Site outside Limits to Development and not a priority for development
- Within an Area of Particularly Attractive Countryside
- Site should be retained for its wildlife value and intrinsic landscape appeal
- Site adjacent to a mosaic of habitats and, as such, is an important wildlife corridor linking Bardon Hill SSSI, Charnwood Lodge NNR and Coalville Meadows SSSI
- Visual assessment is flawed - whilst views taken from Warren Hills are from the right of way, this land is open access land, and the views from the higher points accessible in this area are more relevant
- The findings of the submitted protected species survey are flawed

**Leicestershire County Council Local Education Authority** advises that no contribution to education provision is required

**Leicestershire County Council Library Services Development Manager** requests a developer contribution of £9,780

**Leicestershire County Council Highway Transportation & Waste Management Authority** requests a developer contribution of £11,768 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 Ecologist** recommends refusal on the basis of the layout submitted

**Leicestershire County Council Highway Authority** advises that it is awaiting further information from the applicant

**Leicestershire County Council Mineral Planning Authority** has no objections but notes the site's location in the vicinity of the Bardon Quarry and draws attention to previous resident concerns regarding noise and dust

**Leicestershire Police** objects unless a developer contribution of £65,482 in respect of policing is provided

**National Forest Company** has no objections in principle but suggests that a number of amendments be made to the proposed development framework including provision of a landscaped buffer to the eastern boundary

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

**NHS England (Leicestershire and Lincolnshire Area)** requests a healthcare contribution of £16,848.62

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

**Severn Trent Water** advises that there is currently insufficient public sewer capacity to accommodate the development and has provided an update on its ongoing work to address this

### **Third Party Representations**

60 representations have been received, objecting to the application on the following grounds:

- Site within the countryside / outside Limits to Development
- Site within an Area of Particularly Attractive Countryside
- Site within Green Belt
- Increased traffic / congestion
- Impact on wildlife
- Impact on air quality
- Site and adjacent land are liable to flooding
- Increased flooding to neighbouring properties
- Greenfield sites should not be developed when previously-developed sites and derelict properties are available
- Site has scientific interest
- Site close to a SSSI
- District Council has a five year supply of housing
- No need for additional new housing
- Disturbance from proposed retail use
- Unsafe access
- Insufficient infrastructure (including schools, healthcare, and highway network capacity)
- Insufficient employment for new residents
- Adverse impact on Charnwood Forest / National Forest
- Unsustainable
- Contrary to Local Plan policies
- District has sufficient housing supply
- Proposal should be subject to a referendum
- Loss of visual amenity
- Would set a precedent for other unsuitable developments
- Whitwick should not become part of a larger Coalville
- Site forms part of an attractive rural setting for Coalville
- Flawed supporting documents
- Lack of safe pedestrian access for schoolchildren
- Increased anti-social behaviour

- Litter
- Loss of green space
- Would diminish the open character of the area
- Negative impact on the character of the area generally and the streetscene
- Site should be planted with trees to assist in flood prevention
- Nearby David Wilson Homes development should not have been permitted
- Danger from proposed attenuation pond
- Loss of view
- Insufficient detail of proposals
- Shop not needed - other shops have recently closed due to lack of custom

In addition, whilst received prior to the submission of the planning application, the Local Planning Authority is in receipt, from Councillor Wyatt, of a number of 495 "pro forma" letters addressed to the applicants which he has requested be taken into account. Whilst not relating directly to the application proposals per se, these raised the following concerns regarding the potential development of the site:

- One of the few areas of natural beauty within Coalville
- Site is part of the Charnwood Forest as set out in the Core Strategy and should not be developed
- Insufficient highway infrastructure
- Increased flooding
- Do not support short term financial gain at the cost of the above

80 representations have been received, supporting the application on the following grounds:

- Would provide the opportunity to live nearer relatives
- Residents looking for larger and smaller properties
- Would benefit the town / business
- Would benefit schools
- District Council needs more rented properties

## 5. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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

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

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

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

application:

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

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

"24 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

"26 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."

"27 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."

"28 Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings..."

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

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

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

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

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

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

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

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

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

"101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."

"103 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..."



"109 The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;..."

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

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

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted...;
- ...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

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

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

"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 E22 seeks to prevent development which would, amongst others, adversely affect or diminish the present open character of Areas of Particularly Attractive Countryside.

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 R1 provides that shopping and related development (such as financial and professional services and food and drink uses) will be permitted within Coalville and Ashby de la Zouch Town Centres, on allocated sites, and in existing or proposed local shopping areas. New retail development outside these areas will only be permitted where it can be shown that a number of criteria would be satisfied.

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

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

### **Other Policies**

#### **North West Leicestershire District Council Affordable Housing SPD**

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

Key Principle 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.

### **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 adjacent 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 the built up area of Coalville and the range of services available therein, it performs relatively well in this regard. Whilst the site entrance is approximately 3.5km from the town centre (being the closest point of the Core Town Centre Shopping Area as defined in the adopted Local Plan), there are other facilities in closer proximity (including shops, schools and the Coalville Community Hospital). The proposals would also, of course, include an on-site shop. The site is also approximately 250m from the nearest bus stop; this stop is served by the Arriva No. 11 bus route connecting Agar Nook with the town centre on Mondays to Saturdays at approximately 10 or 15 minute intervals during the daytime (but with no evening or night time service, nor daytime service on Sundays).

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 requirement.

*Housing Land Supply and Limits to Development*

In terms of the contribution that this scheme would make towards the Council's five year housing land supply, the position is not entirely clear given the drainage situation on the site and this is discussed in more detail in the relevant section below.

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

As reported to Committee on 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. The latest housing supply trajectory indicates that, as matters currently stand, using the approach of an annualised requirement with a 20% buffer, the District is able to demonstrate a supply of 6.65 years.

For their part, the applicants do not accept the Local Planning Authority's position in respect of housing land need and supply. To this end they have provided their own assessments of objectively assessed need (OAN) and the current supply situation. In brief, their submissions contend that the District has an OAN of 11,965 dwellings to 2031, equating to an annual requirement of 696 dwellings (as compared to the SHMA undertaken on behalf of the Leicestershire authorities which calculates a range of annual requirements (based on various assumptions regarding growth), the highest of which is 350 per annum). Having regard to this assumed annual requirement of 696 dwellings, the applicants calculate that the District's supply is, at best, 2.18 years.

It is noted from the applicants' OAN document that a number of criticisms made in respect of an earlier assessment they had undertaken in support of a Section 62 application (an application submitted direct to the Planning Inspectorate for determination under the "special measures" regime) in Blaby District appear to have been taken into account in the applicants' submissions. As a result, the housing requirement for both the Housing Market Area (HMA) and North West Leicestershire are reduced and, in the case of the North West Leicestershire, the annual requirement has decreased from 828 to 696. This is nevertheless still significantly higher than that recommended in the Leicester and Leicestershire SHMA undertaken on behalf of the Leicester and Leicestershire HMA authorities (350 dwellings per annum). It would appear that the difference is largely attributable to the different approaches taken in respect of economic

growth and its impact on dwelling numbers. The District Council considered a report at Cabinet on 21 October 2014 in respect of the SHMA and, in particular, a Memorandum of Understanding (MOU) which has been developed jointly by all the HMA authorities and is based on meeting the needs as identified in the SHMA. At that meeting it was resolved to recommend to Full Council that the signing of the Leicester and Leicestershire Housing Market Area MOU relating to the objectively assessed need for housing be delegated to the Chief Executive / Director of Services in consultation with the Portfolio Holder.

In terms of the applicants' report submitted regarding housing land supply, it is noted that the report accepts the District Council's figures in respect of likely supply over the next 5 years. The fact that they then contest that the Council does not have a 5 year supply is therefore largely due to the fact that the starting point in terms of overall requirements is their consultants' OAN which, as set out above, is significantly higher than the SHMA annual figure. It is also noted that they have applied an under performance figure for 2006-11 against the RSS requirement. It appears that this is because their consultants' work has not built in such under provision. It is officers' understanding that, in doing SHMA type work, it is normal to not build in for previous shortfalls as this will be picked up as part of the forecasting.

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.

In addition to lying outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, the site is located within an Area of Particularly Attractive Countryside (APAC) which, the Local Plan notes, represent the most significant and important rural landscape areas within the District. This designation is subject to Local Plan Policy E22 which provides that:

*"Development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and / or be detrimental to natural habitats and scientific interest of the following Areas of Particularly Attractive Countryside, identified on the Proposals Map:*

- (a) *Land to the east of Greenhill, Thringstone, Whitwick and Worthington, including part of Charnwood Forest...*

*...Built development will be permitted only where it is appropriate to the established character of the designated area in terms of scale, siting, detailed design and materials of construction."*

Accompanying paragraph 4.93 provides that *"In addition the District Council will seek to:*

- (a) *Undertake or encourage measures to protect and enhance the landscape, wildlife, habitat, archaeological and scientific interest of the designated area, including planting, nature conservation measures and the provision of nature interpretation and appreciation facilities;*
- (b) *Secure the positive management of land within the designated areas to enhance and maintain its wildlife habitat and features of scientific and archaeological interest;*
- (c) *Protect and conserve particular features which contribute to the special character of the designated areas, such as dry stone walls in the Charnwood Forest."*

As well as being within an Area of Particularly Attractive Countryside as defined in the adopted Local Plan, the site also falls within the Charnwood Forest Regional Park, an area comprising land within the District of North West Leicestershire, and the Boroughs of Charnwood and Hinckley and Bosworth, distinctive for its rugged upland landscape. Regional Parks are non-statutory partnership-led initiatives, and designation does not provide affected land with any statutory protection. There are no adopted Local Plan policies relating to the Regional Park, although a Vision has been agreed between Leicestershire County Council and the respective District and Borough Councils and provides that "*The unique natural and cultural heritage features of the Charnwood Forest will be managed and promoted through the Charnwood Forest Regional Park. The Regional Park will be recognised as an essential part of the growing communities in the Derby, Leicester and Nottingham area, now and in the future*".

Further assessment on the impacts on the character of the Area of Particularly Attractive Countryside is contained within the relevant section below.

Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to the economic dimension by virtue of the growth associated with the proposed development. Subject to the issues surrounding the ability of the site to make a meaningful contribution to housing land supply within the next five years given the potential drainage constraints and, were the applicants to confirm the inclusion of appropriate contributions to local services as detailed below, the scheme has the potential to sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, however, and whilst the proposals would be reasonably accessible (during the daytime on six days per week, given the availability of the nearest bus service) in terms of need to travel and the movement towards a low carbon economy, for the reasons set out in more detail below, the proposed development would result in the development of part of an Area of Particularly Attractive Countryside located outside of the defined Limits to Development. The resulting environmental harm from these impacts would, overall, it is considered, indicate that, even when taking into account the economic and social dimensions, the proposals would not represent sustainable development.

#### *Conclusions in respect of the Principle of Development*

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

The 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.

The site lies within an Area of Particularly Attractive Countryside; whilst this designation in itself does not preclude development in principle in the same way as Policy S3, separate tests are set out within Policy E22, and the proposals' performance against these requirements is set out in more detail later in this report.

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. Regardless, however, as set out within this report, the development would not be considered to represent sustainable development and, in principle therefore, the scheme is not considered acceptable.

### **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 priority junction to Greenhill Road. The illustrative layout also shows other potential pedestrian links through the site; these would also be a matter for the reserved matters stage(s).

The application is accompanied by a Transport Assessment and a Travel Plan. These documents indicate that, in the applicants' consultants' opinion, the development is in a location that is accessible by modes of travel other than the private car, and including foot, cycle and bus. They suggest that the development provides the "capacity to readily access these wider major destinations by rail and bus provides a key advantage in providing a real alternative to car travel (e.g. for journeys to work) and as such promotes the aim of reducing car travel". Whilst, as set out above, the nearest bus service (no.11) does not operate in the evening or on Sundays, in coming to this view, the Transport Assessment and Travel Plan have also had regard to the no. 29A service, which is approximately hourly seven days per week. The nearest stops served by the no. 29A are approximately 700m and 900m from the site respectively (depending on direction of travel on that service).

Insofar as the submitted Travel Plan is concerned, the County Highway Authority has requested clarification from the applicants' transport consultants on a number of issues within the submitted document, and the County Council disputes the Travel Plan's assertions in respect of the accessibility of local schools. In terms of the highways impacts generally, however, the County Highway Authority advised on 29 August 2014 that it was engaging with the applicants' transport consultants and have outstanding concerns about the trip distribution, area of assessment, site access proposals and accessibility. Following a meeting with the applicants' transport consultants on that date, the County Council advised that it was awaiting the submission of further information. The applicants subsequently advised the Local Planning Authority on 2 October 2014 that they would be submitting updated highways reports (along with other outstanding documents) on 7 October 2014 but, as of the time this report was being



prepared, no further highway documents had been received by the Local Planning Authority. However, it is understood that some supplementary information has been provided direct to the County Highway Authority but, at this time, there remain unresolved issues. In the absence of robust supporting information, therefore, it is recommended that the application be refused on this issue.

### **Landscape and Visual Impact**

The application is accompanied by a Landscape Visual Impact Assessment, as well as an Arboricultural Implication Study.

The Landscape Visual Impact Assessment considers the site's context in relation to surrounding development / landscape, and considers the impact upon a total of 12 viewpoints within the vicinity of the application site; views from areas further east within the Charnwood Forest are not assessed, however, as they fall outside the zone of theoretical visual influence (i.e. those areas within 2.5km of the site from where the development could be seen, assuming a maximum building height of 11 metres, and having regard to existing topography).

In terms of the impacts upon these 12 viewpoints, these are predicted at three principal phases (namely during construction, following completion, and at 15 years following construction) as follows (and expressed in terms of significance and residual impact (following mitigation)):

#### *Construction Phase:*

Nil / No Effect 1  
Slight Adverse 4  
Moderate Adverse 5  
Substantial Adverse 2

#### *Year 0 (following completion):*

Nil / No Effect 3  
Slight Adverse 5  
Moderate Adverse 3  
Substantial Adverse 1

#### *Year 15:*

Nil / No Effect 1  
Negligible Adverse to Nil / No Effect 2  
Negligible Adverse 2  
Slight Adverse 5  
Moderate Adverse to Slight Adverse 1  
Moderate Adverse 1

In terms of the mitigation assumed in undertaking the Landscape Visual Impact Assessment (and upon which the Year 15 residual impacts would be dependent), this includes retention of existing vegetation, provision of additional planting, and establishment of public open space within the middle of the site (so as to help break up the mass of the proposed development).

Overall, the Landscape Visual Impact Assessment concludes that the long term establishment of the site for residential and retail development would result in the scheme blending in with the existing setting of eastern Coalville, and that the visual impact of the proposed development would diminish over the short to medium term and would not have an unacceptably adverse

impact on public amenity. In terms of the views of the site assessed within the Landscape Visual Impact Assessment, it is accepted that its conclusions are, in themselves, reasonable (although, as suggested by the Leicestershire and Rutland Wildlife Trust, it is accepted that the Assessment does not appear to provide for a full picture of the potential views available from publicly accessible points on the Warren Hills).

The Landscape Visual Impact Assessment does not however make reference to the site's location within an Area of Particularly Attractive Countryside, nor the impacts of the development upon its character. However, the applicants' Planning Statement suggests that the site's allocation as an Area of Particularly Attractive Countryside is inconsistent with the landscape policies of the NPPF and, therefore, is out of date. This position appears to be taken on the basis of one of the footnotes to paragraph 14 of the NPPF. Paragraph 14, which relates to the presumption in favour of sustainable development, provides in respect of plan-making that Local Plans should meet objectively assessed needs unless, amongst others, specific policies in the Framework indicate development should be restricted, and the footnote to this criterion lists examples of designations which would indicate that meeting objectively assessed need would not necessarily be possible. The applicants' position appears to stem from the fact that Areas of Particularly Attractive Countryside are not one of the examples provided. Notwithstanding the point that this is a list of examples of such designations rather than an exhaustive list, there has in any event been no suggestion on the Local Planning Authority's part that its emerging Local Plan would not be able to accommodate its objectively assessed need (identified by way of the findings of the recently undertaken County-wide SHMA). As such, the applicants' suggestion that the protection afforded to the Area of Particularly Attractive Countryside under Policy E22 can no longer apply does not appear to be particularly well founded.

As set out above, Local Plan Policy E22 presumes against development which would adversely affect or diminish the present open character and attractive rural landscape and / or be detrimental to natural habitats and scientific interest of the relevant Area of Particularly Attractive Countryside. Whilst the findings of the Landscape Visual Impact Assessment are not disputed per se in that it is accepted that the impacts from the viewpoints considered could, to some degree, be mitigated, this does not address the fundamental issue that the proposals would, inevitably, diminish the open character of that part of the Area of Particularly Attractive Countryside upon which the development would be sited and the various mitigation measures suggested in the Landscape Visual Impact Assessment would not address this conflict with the adopted policy. Whilst it needs to nevertheless be considered whether other material considerations can outweigh this departure from the Development Plan (and, not least, the NPPF's requirements in respect of housing land supply and the presumption in favour of sustainable development), having regard to the Local Planning Authority's current position in respect of housing land supply, it is not considered that there is any overriding need to release the most sensitive areas of countryside within the District for housing. Whilst, in order to maintain a five year supply, it would seem likely that some areas of land outside Limits to Development would need to be released, any such release should, it is considered, be limited to areas wherein the adverse environmental effects of so doing would not be such that, overall, they would not constitute sustainable development. In this case, it is considered that there would be no overriding reason to release this part of the Area of Particularly Attractive Countryside for housing and that, on balance, any economic or social benefits of the scheme could not reasonably be concluded to outweigh the significant adverse environmental impacts in this regard.

In terms of retained and proposed planting, it is noted that the site lies within the National Forest. Insofar as the scheme's performance vis-à-vis the relevant National Forest standards is

concerned, based on the National Forest Company's Planting Guidelines, 20% of the site area (i.e. 1.44ha) would be required to be provided as woodland planting and landscaping. The National Forest Company notes that the submitted documents set out that the development includes 0.37ha of National Forest planting which equates to 5% of the site area, and that the remaining requirement would be provided by way of a commuted sum; the National Forest Company confirms that a sum of £21,400 has been agreed with the applicants in this regard.

Insofar as existing trees are concerned, the application is supported by an Arboricultural Implication Study assessing existing trees on the site, the majority of which are located on the site's periphery, although a number are nevertheless located within the proposed developable areas of the site, primarily adjacent to existing stone walls. Based on the illustrative layout submitted, significant loss of tree cover would appear unlikely to result although more detailed assessment of any potential implications on existing trees would need to be undertaken at the reserved matters stage. In terms of impact of the proposed vehicular access to Greenhill Road (which is not reserved), the submitted access plan indicates that a number of trees would be likely to be affected by the proposed access formation and / or provision of visibility splays. A number of trees appear to fall within the access visibility splays (whether in part or full) and the Arboricultural Implication Study indicates that, in order to form the proposed access, a number of trees (including a holly and a number of hawthorn) would need to be felled. These trees all fall within category C (i.e. trees of low quality). In addition, given the extent of the visibility splays indicated on the submitted access plan, it is not clear whether additional trees at the eastern and western extremities of the site would also be affected (including in part, depending on the extent of any works required to ensure the visibility splays are kept clear of obstructions); these trees include an oak (category B - moderate quality) and an ash (not assessed). Both of these trees' canopies appear to fall within the required splays but not necessarily to a degree where extensive works would seem likely and, as such, undue loss of amenity by way of any required works to these trees would seem unlikely to result.

### **Loss of Agricultural Land**

The site is currently in agricultural use and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Having regard to the need to ensure an ongoing five year supply of housing land, 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, and the Local Planning Authority has, accordingly, been permitting development on a number of sites constituting agricultural land as it seeks to meet its housing land supply obligations. Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification.

The application is also accompanied by an assessment of the agricultural quality of the application site, indicating the following distribution of land quality:

Grade 3a:	4.7ha
Grade 3b:	2.2ha
Urban:	0.3ha

On this basis, approximately 65% of the application site would be BMV and, therefore, contrary to the thrust of the NPPF in this regard. Whilst the applicants' Planning Statement suggests that, as the land does not fall within Grade 1, the development of the site would address the requirements of Paragraph 112 of the NPPF, this position appears contradictory to that

paragraph in that it refers to BMV land (which, therefore, would include that part of the site falling within Grade 3a).

Nevertheless, it is also considered relevant to have regard to the extent of the loss. 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. Whilst, given the extent of the area falling within BMV grades, the extent of the harm caused to the supply of BMV land would not be very large, it is nevertheless considered that the loss of this higher quality agricultural land would weigh against the proposals in assessing whether the scheme constitutes sustainable development, and in the overall planning balance.

### **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) and a Foul Drainage Strategy have been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1 (i.e. less than a 1 in 1,000 annual probability of river or sea flooding in any one year) and, on this basis, the site is considered to pass the sequential test.

Insofar as the disposal of surface water is concerned, the FRA considers this to be the most significant source of flood risk. The FRA notes the potential for surface water to be managed by means of infiltration, disposal to watercourses and disposal to the public sewer. In terms of infiltration, the FRA suggests that this may be possible, but does not provide detailed assessment given the outline nature of the proposals. Insofar as disposal to watercourse is concerned, the FRA sets out proposals in this regard involving use of existing and enhanced drainage ditches (prior to disposal to a nearby watercourse). An attenuation pond is also proposed.

A number of objections have been raised by local residents on the potential for increased flood risk to their properties as a result of the proposed surface water drainage management measures. Concerns are also raised by the Environment Agency and the application as submitted is the subject of an objection from the Agency on the basis that (i) the proposed attenuation pond would include a top water level significantly above the floor levels of nearby existing properties and (as noted in the FRA), "during exceedance events, or failure in the system, runoff will migrate towards the west of the site, towards existing residential properties"; and (ii) the originally submitted FRA shows discharge from the pipe network directly to the existing ditches, with parts of the ditches contributing to attenuation provision. An amended FRA was submitted on 7 October 2014 and, at the time of preparing this report, the Agency's amended comments (and confirmation as to whether its objections have been addressed) were awaited.

Insofar as foul drainage is concerned, the applicants' Foul Drainage Strategy states that there are public foul sewers available in Romans Crescent or at an alternative location downstream of that point and that it is also possible that additional public sewers not currently shown on the public sewer records are located closer to the site, and available to connect to in Greenhill Road. The Strategy states that a new network of foul sewers (both on and off site, as well as a pumping station, if required) would be constructed and then connected to the existing public foul sewer network.

Concerns have been raised regarding the capacity of the local sewerage network, and its ability to accept additional flows, and representations have been received from local residents to the effect that, as a result of existing capacity issues, sewer flooding has taken place. Insofar as capacity is concerned, the Foul Drainage Strategy states that sewerage or waste water capacity

is not a material planning consideration. Advice on drainage matters can, however, be found within the DCLG's Planning Practice Guidance which states at ID 34 Paragraph 020 that *"If there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with. Applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment."*

*When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.*

*The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to public sewage treatment works have been carried out".*

For its part Severn Trent Water originally raised no objection subject to the inclusion of a condition requiring drainage plans for the disposal of surface water and foul sewage to be submitted and agreed. Having regard to earlier issues raised in respect of the nearby David Wilson Homes application (14/00050/FULM), however, further clarification was sought from Severn Trent Water. Severn Trent Water has subsequently advised that the proposed development was assessed by Severn Trent Water and a model carried out at the beginning of 2014, and the result was that there was no capacity in the public sewerage system due to restricted downstream pipe sizes and known flooding in several areas, as well as issues with a combined sewer overflow (CSO) in Greenhill Road and a CSO in Meadow Lane predicted to operate outside consent. Severn Trent Water advises that a scheme to remove groundwater infiltration into the public sewers further downstream has since started with sections of the sewers being relined and is expected to be completed by the winter, providing more capacity within the existing sewerage system in the area. Severn Trent Water confirms that this would increase the capacity to accommodate the 79 dwellings resolved to be approved under application 14/00050/FULM and some of the 180 the subject of the current application. Insofar as more substantial increases are concerned (i.e. to accommodate the whole of the proposed development plus the David Wilson Homes scheme), Severn Trent Water advises that it is looking at various options in this area to raise either a Flood Alleviation Scheme (FAS) or a Growth Scheme and that FAS / Growth schemes usually take between 12 and 24 months to complete subject to completion of investigations, solution design and carrying out of the civil works required.

In view of the position as set out by Severn Trent Water, the Environment Agency has also raised this as an issue and notes that, based on the modelling carried out by Severn Trent Water, there is currently no capacity in the public sewerage system downstream of the proposed development and, in addition, two CSOs were predicted to operate outside of consent. As such, the Agency advises that, should its existing objections be resolved, it would wish to see a condition imposed on any permission preventing any development being occupied until such time as a scheme for the improvement of the existing sewerage system has been completed, the reasons for the condition being that (i) there is a lack of capacity in the public sewerage system downstream of the proposed development; (ii) the performance of CSOs downstream of the development would deteriorate in the absence of improvements to the sewer system; and (iii) the Grace Dieu Brook is currently classed as "poor" under the Water Framework Directive, and that this "poor" status would be exacerbated by the development in

the absence of any improvements to the sewerage system.

It appears from the responses received therefore that a technical solution in respect of foul water disposal is possible in this case and, therefore, in accordance with ID 21a Paragraph 009 of the DCLG's Planning Practice Guidance, it is considered that a Grampian planning condition could be attached to deal with this issue. However, given the need for improvements to take place prior to occupation (having regard to the Environment Agency's suggested condition above), it is not entirely clear as to the extent that this development would be able to contribute towards the Council's five year housing land supply position. At the time of preparing this report, however, the Environment Agency's objection on surface water flooding issues remained in place.

### **Air Quality**

The application includes an Air Quality Assessment considering the impacts on nitrogen dioxide and particles associated with the development, including impacts arising from the construction works and the additional traffic associated with the development once it is in use. The submission has been assessed by the District Council's Environmental Protection team.

In terms of National policy, Paragraph 124 of the NPPF sets out the Government's approach to air quality and AQMAs. However, this also needs to be read in the context of the wider approach to sustainable development as set out in the NPPF, and its economic, social and environmental roles.

The Assessment considers likely air quality effects in two principal categories: impacts during the demolition, earthworks and construction phase (principally dust emissions), and impacts from road traffic during the operational phase (nitrogen dioxide and particulates). In terms of nitrogen dioxide implications from road traffic, it is noted that the Assessment includes consideration of the potential impacts on receptors within the Coalville Air Quality Management Area (AQMA), which is located in the vicinity of the junction between the A511 Stephenson Way and Broom Leys Road.

In terms of the construction phase, the Assessment indicates that, from the earthworks and construction operations, the development would, if unmitigated, have a "large" magnitude impact, and "medium" in respect of the "trackout" operations. However, the Assessment suggests that, subject to the implementation of appropriate mitigation measures as set out within the Assessment, the potential for nuisance dust and particulate matter to be generated would be substantially reduced and any residual impact would not be significant.

Insofar as the operational phase is concerned, the Assessment concludes that, for nitrogen dioxide concentrations, seven of the eight receptor locations considered would experience a "negligible / not significant" impact as a result of the proposed development in both 2014 and 2024; a "slight adverse" impact is predicted for the other receptor location (adjacent to the Broom Leys Crossroads, and within the AQMA). As per the construction phase impacts, mitigation is recommended by the applicants' consultants in respect of the operational phase, and including the implementation of a Travel Plan to reduce traffic use. Notwithstanding the impacts of the suggested mitigation, the development would still result in an exacerbation of the existing exceedances beyond the annual mean Air Quality Limit Value (AQLV) of 40 micrograms per cubic metre ( $\mu\text{g}/\text{m}^3$ ). The overall impacts of the exceedances would, however, be considered to be limited overall.

Having regard to this, no objections are raised by the District Council's Environmental Protection

team. However, it is noted that the Assessment has been undertaken having regard to traffic flow data provided by the applicants' transport consultants. As set out above, the County Highway Authority has not been provided with sufficient information to be able to confirm that the applicants' Transport Assessment is robust and, until such time as the extent of any additional traffic likely to pass through the AQMA (and the ability of any traffic control measures to mitigate the impacts of any such changes in traffic etc) is established, it is not possible to come to a final view on the likely air quality impacts (i.e. if the Local Planning Authority is unable to be satisfied that the applicants' predicted traffic impacts are correct, it is similarly difficult to come to a firm conclusion that there would be no unacceptably adverse air quality impacts on the basis of predictions based on assumptions set out within the applicants' transport evidence).

### **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 had raised concerns regarding the illustrative scheme, and in particular in respect of the character / legibility, street layout, perimeter block formation, landscaping space, impacting on Building for Life 12 questions 5, 9 and 10 (relating to local / distinct character; pedestrian, cycle and vehicle friendly streets; and car parking respectively).

An amended illustrative layout has subsequently been provided indicating what is considered to be a more appropriate approach to street hierarchy and legibility, along with illustrative street sections. Further to these updated details (and following advice on the amended details from the District Council's Tree Officer), the District Council's Urban Designer expresses concerns over the limited growing room for proposed street trees. 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 entirely appropriate, there appears no overriding reason why the site could not, in design terms, deliver an appropriate scheme at the reserved matters stage. The Urban Designer recommends that, should permission be granted, a condition be imposed requiring revised cross street cross sections to be produced that provide suitable growing space for trees (i.e. 3m verges / 5m front gardens). He also recommends the imposition of a condition requiring a Building for Life 12 based Design Code to be prepared and agreed by the Local Planning Authority prior to any reserved matters application being determined, together with the attachment of a note to applicant stating that the District Council will require the scheme to achieve 12 "greens" under Building for Life 12.

Notwithstanding these conclusions, however, as set out in more detail below, the County Ecologist has separate concerns over the illustrative layout and, as such, it remains to be demonstrated as to whether a suitable scheme which achieves the respective Building for Life 12 and ecological aims could be provided. On balance, the view is taken that some form of development which achieved this would (probably) be achievable, although a different approach to defining and building on character may be necessary and, for example, the potential to draw on some of the stronger Charnwood Forest character features may be limited (e.g. retention of dry stone walls, given their implications in respect of Great Crested Newts).

### **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. The application is accompanied by a Noise Assessment.

In terms of future residents' amenities, the Noise Assessment identifies the areas of the site closest to Greenhill Road as being most susceptible to existing noise (from road traffic). To mitigate this impact on occupiers of the proposed dwellings, and to achieve a 55dBLAeq(16 hour) standard, the Assessment suggests that a 2m high close boarded fence or wall be provided to garden areas in northern areas of the site closest to Greenhill Road. Such an approach would appear unlikely to be appropriate in terms of design, but the Assessment also suggests that, if gardens were located on the screened side of dwellings, no further mitigation would be required. Internal noise levels could, the Assessment suggests, be secured by use of appropriate glazing. In addition to the sources considered in the Noise Assessment, Leicestershire County Council in its capacity as Mineral Planning Authority raises no objections but advises that the site adjoins land within the ownership of the operators of Bardon Hill Quarry. Whilst, the County Council advises, the proposed quarry extension would eventually move quarrying operations further to the east (and away from the Greenhill area), it is currently proposed that the associated processing plant area would remain in its present location to serve the extension works. The County Council advises that this is adjacent to the Greenhill area and has given rise to complaints from neighbouring properties relating to noise (as well as dust) issues. In respect of this issue, the District Council's Environmental Protection team advises that these noise and dust issues are controlled by the quarry operators' permit, and that problems only arise occasionally (and normally as a result of adverse weather conditions). No objections are raised by the District Council's Environmental Protection team, therefore.

Insofar as the noise impacts on neighbouring occupiers arising from the proposed development are concerned, the Noise Assessment identifies these as including construction noise, and potential impacts associated with the operation of the proposed retail unit (which would also impact on future occupiers of the development as well). In terms of construction impacts, the Assessment acknowledges the close proximity of the nearest sensitive receptors, but does not anticipate that any associated disturbance would be long-lasting, and would be negligible if undertaken in accordance with best working practice and at reasonable hours; such issues would normally be controlled under Environmental Protection legislation. In terms of the issues associated with the operation of the proposed retail unit, the Assessment suggests that mitigation measures would be incorporated into the design of the proposals so as to ensure noise impacts are acceptable at the closest receptors (assumed to be on Jacquemart Close and Greenhill Road), and delivery times be limited. Whilst the Assessment does not detail how these criteria would be met, it is accepted that, in principle, a store could be provided on the application site without undue loss of amenity, subject to appropriate design, orientation, control of external plant, location / separation from sensitive premises, screening and hours of operation / deliveries. The inclusion of any such restrictions / mitigation would, it is considered, depend on what exactly was proposed at the reserved matters stage. Again, no objections are raised by the District Council's Environmental Protection team.

In terms of other residential amenity issues, whilst an illustrative masterplan has been submitted, all matters (other than the proposed Greenhill Road access) 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 western part of the site) 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. Whilst there could be likely to be some impacts on occupiers of dwellings in the vicinity of the proposed



vehicular access (and including from vehicular movements and, potentially, vehicle headlights), 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 a Preliminary Ecological Assessment of the site. This provides that the closest statutorily designated sites to the application site are the Holly Rock Fields, Charnwood Lodge, Bardon Hill, Bardon Hill Quarry and Coalville Meadows Sites of Special Scientific Interest (SSSIs); Holly Rock Fields is less than 100m from the application site, to the opposite side of Greenhill Road and, the Ecological Assessment confirms, is a nationally important site for its lowland species-rich neutral grassland. In terms of non-statutory designation, 12 Local Wildlife Sites are located within 2km of the application site.

In terms of the potential impacts on these designated sites, the Preliminary Ecological Assessment states that the majority of designated sites are located at least several hundred metres away from the site and are therefore unlikely to be directly affected by the development. Insofar as Holly Rock Fields SSSI is concerned, by virtue of the location of the site access, the Assessment concludes that no direct impacts would be likely. Natural England considers that, given the nature and scale of the proposals, there is not likely to be an adverse effect on the nearest SSSIs as a result of the development, and raise no objections subject to the imposition of a condition requiring approval and implementation of a construction management plan designed to avoid any damage to the Holly Rock Fields SSSI. On this basis, Natural England advises, the nearby SSSIs do not represent a constraint in determining the application.

Insofar as the ecological value of the site itself is concerned, it is noted that the Leicestershire and Rutland Wildlife Trust objects on the basis that the site has ecological value as part of a wider "mosaic" of habitats in the area, and given the proposed development's encroachment into the Charnwood Forest which, as a whole, is of importance from a wildlife point of view. However, as set out above, there are currently no adopted Development Plan policies which provide for a Forest-wide protection in this way. The Preliminary Ecological Assessment indicates that the majority of the site comprises semi-improved grassland, with occasional scattered and dense scrub, young trees and tall ruderal vegetation, but that none of the habitats present are particularly rare or of significant botanical interest.

In terms of the potential impacts on protected species, the Preliminary Ecological Assessment confirms that additional survey work is required in respect of bats, amphibians, reptiles, badgers and breeding birds and, in the absence of these surveys, it was not considered possible to come to a reasoned view in respect of the application, and the County Ecologist confirmed the need for this outstanding work on 24 July 2014; these were subsequently submitted on 7 October 2014. Further to the receipt of this additional information, the County Ecologist confirms that the submitted surveys are now acceptable.

In particular, she notes that surveys for birds, bats, badger, amphibia and reptiles have been undertaken and comments that, whilst the habitats on site are not species-rich in general (comprising species-poor semi-improved grassland (although the dry-stone walls across and around the site are potentially of significance)), the site is nevertheless within an area of high biodiversity value, and considers it is important that these surrounding habitats are adequately buffered from development, and that the local wildlife corridors connecting sites are maintained within the development site to ensure connectivity of habitats for bats, birds and other fauna.

In terms of specific species, the County Ecologist advises that bat activity across the site was relatively low (and mainly along the boundaries, as would be expected), no badger setts were present (although there was evidence of badger use), and breeding bird populations were comparatively good (with a high number of species recorded on and adjacent to the site), and no reptiles were recorded.

Attention is drawn by the County Ecologist to what she considers to be a major potential impact from the development on Great Crested Newts which, whilst known to be in the locality, are not within 500m of the application site; there are a number of ponds close to the site which may be suitable for great crested newts, but the applicants' consultants have been unable to access these ponds (located on private land) to survey them. As an alternative, therefore, terrestrial pitfall trap surveys for amphibia have been undertaken which, whilst in accordance with national guidance, are, the County Ecologist advises, a less effective means of surveying for Great Crested Newts population than pond surveys. On the basis of the findings (which included a Great Crested Newt caught in a pitfall trap), it is agreed with the consultants that this suggests low use of the site by Great Crested Newts, but the County Ecologist considers it is nevertheless possible that there is a small / medium population of Great Crested Newts dispersed in all of the off-site ponds, and the proposals should therefore mitigate accordingly. In terms of the format of any such mitigation, this should, she advises, maintain connectivity between ponds which, based on the proposed illustrative layout, would not, she considers, be provided. Other concerns regarding the proposed layout are also raised, with buffer zones between proposed dwellings and retained woodland also required. In terms of the Great Crested Newt issues regarding the layout, concern is, in particular, raised regarding the proposed retention of existing stone walls running through the site which, whilst being acknowledged as being an important characteristic of the Charnwood Forest, would affect Great Crested Newt movement. As such, refusal is recommended by the County Ecologist on the basis of the proposed layout.

Whilst these concerns are noted, along with the issues raised in respect of the suitability of the illustrative layout to ensure the retention of suitable habitat, it is nevertheless the case that the proposed layout would be reserved. On the basis of the comments made by the County Ecologist, it would appear that, in principle, an acceptable layout (in ecology and biodiversity terms) would be achievable at the reserved matters stage and, as such, it is not recommended that the application be refused on this issue. Having said that, the issue does raise concerns as to whether the form of development likely to be required to achieve these ecological and biodiversity aims would be compatible with other design / layout objectives (as already set out under Design above).

It is noted that the Leicestershire and Rutland Wildlife Trust raises a number of concerns regarding the methodology and conclusions of the submitted surveys; the County Ecologist agrees with some of these concerns, but also accepts the difficulties faced by the applicants' consultants in this case, and, on balance, considers the approach taken to be reasonable. Whilst there are therefore some differences in this regard, however, it is considered that, overall, the survey work undertaken is not unreasonable. Leicestershire County Council provides independent professional ecological advice to the Local Planning Authority and, whilst concerns are raised by the Wildlife Trust, these concerns are not considered to be so significant as to override the County Council's overall view.

### **Proposed Main Town Centre Uses**

The proposed development includes a convenience store of up to 400sqm (gross), and including retail floor space of up to 280sqm, and the planning application is supported by

information in respect of the sequential test and impact (although, given the scale of the proposed retail development (which falls below the 2,500sqm threshold set out in the NPPF), no supporting information in respect of retail impact is required by the NPPF per se).

In terms of the sites considered by the applicants' Retail Assessment, these are limited to those with a relationship to the Cropston Drive Local Centre (as defined in the adopted Local Plan). The only site considered in respect of the Local Centre is the site of the former Cocked Hat public house, approximately 60m from the Local Centre (and, therefore, defined as "edge of centre"). This site is discounted on the basis it is too small to accommodate the proposed retail unit (the site being 0.13 hectares, whereas the area proposed for the retail unit as shown on the illustrative plan would be approximately 0.2 hectares).

Paragraph 24 of the NPPF provides that local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered. The application site is out of centre (i.e. the least sequentially suitable), although it is accepted that, for the reasons set out in the applicants' Retail Assessment, no centre or edge of centre locations are available within the Cropston Drive Local Centre. Paragraph 24 also provides that, when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. In this case, for the reasons already set out within this report, the site has a reasonable level of accessibility (albeit with limited access to public transport services during the evening and on Sundays) and, in this regard, it would seem debatable as to whether this site could be considered "well connected" to the town centre. In this case, however, it is considered reasonable to have regard to the fact that the proposed retail unit would, in part, serve the new population resident on the site (and, thus, reduce its occupants' need to travel to some degree) and, in this sense, this represents an argument for the retail unit in this location (and notwithstanding the existing convenience store on the Agar Nook estate, approximately 500m from the site); in the absence of any associated residential development, the location of a retail unit in this out of centre location adjacent to the existing edge of the settlement would, it is considered, be inappropriate in sequential terms. Whilst it is accepted that, sequentially, the applicants have demonstrated that no suitable town centre or edge of centre site is available, as a free-standing retail development it would appear unlikely that this site would be the most suitable of all potential out of centre sites. However, when taking into account the proposed associated residential development, it would be considered acceptable in retail policy terms to consider the sequential test as being passed in this case.

Insofar as impact is concerned, and as set out above, the NPPF does not require an impact assessment for developments of less than 2,500sqm. However, Paragraph 27 provides that, where an application is likely to have significant adverse impact on town centre vitality and viability or investment in centres, it should be refused. In this case, it is accepted that any significant adverse impacts on existing centres would be unlikely.

On the basis of the above, therefore, having regard to the proposed retail unit's association with the proposed residential development, it is considered that the proposed development would be acceptable in retail / town centre policy terms, and would not adversely affect the vitality and viability of nearby centres.

### **Heritage Issues**

The application is supported by an Archaeological Desk Based Assessment. This concludes that the site has low potential for as-yet to be discovered archaeological assets within the site

(other than a Medieval deer park boundary along the southern boundary of the site which, on the basis of the illustrative proposals, would remain intact); no representations have been received from the County Archaeologist.

In terms of other heritage issues, the Assessment concludes that there would be no direct or indirect impacts on the nearby Scheduled Monument (rabbit warren on Warren Hills) or listed buildings (or their settings) in that they would be screened from the development by intervening built development; there are no Conservation Areas within the immediate vicinity of the site.

### **Geo-Environmental Conditions**

A Phase 1 Geo-environmental site assessment has been submitted with the application which provides an assessment of the site's ground conditions, and indicates that, given the site's agricultural history, there is not considered to be significant potential for contamination. A further intrusive survey is recommended and the District Council's Environmental Protection team raises 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.

The applicants' Planning Statement advises that they propose contributions in respect of affordable housing, education, on-site open space / children's play, highways / public transport (i.e. a contribution to the District and County Council's Coalville transportation infrastructure contributions strategy), National Forest planting and community facilities.

#### *Affordable Housing*

The applicants propose to make an affordable housing contribution of 20% which would meet the relevant requirements as set out in the District Council's Affordable Housing SPD.

Insofar as unit size and tenure types are concerned, the applicants propose that 77% of the units would be affordable rent and 23% intermediate units, whereas the SPD indicates the relevant split would be 79% rented and 21% intermediate. However, subject to some amendments to the distribution of house types amongst the contribution, including a greater number of 2 bed units (and including 2 bed bungalows), the District Council's Strategic Housing Team is content with the proposals in principle, and with the use of affordable rent in lieu of social rent. As such, the proposals are considered acceptable in this regard, subject the applicants entering into a suitable Section 106 agreement including the relevant requirements of

the Strategic Housing Team. In terms of the proposed development's contribution towards sustainable development, the development would therefore score well insofar as this aspect of the social dimension is concerned.

#### *Children's Play and Public Open Space*

The illustrative masterplan shows a significant proportion 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 is indicated on the illustrative masterplan as being 400 square metres in area. 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 180 dwellings, an area for children's play of 3,600 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, the minimum requirements of the SPG would be comfortably met. Overall, the illustrative material indicates that approximately 1.76ha (i.e. 24%) of the 7.22ha site would be given over to public open space / landscaping and SUDs measures. As mentioned under Landscape and Visual Impact above, this would include a shortfall in respect of National Forest planting on-site, but the shortfall in this regard would be satisfactorily addressed by way of the proposed financial contribution towards Forest planting off-site.

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. On the basis of the submitted illustrative layout, it would appear that no on-site "kickabout" / recreational open space provision is proposed, and the applicants have been requested to confirm their proposals in this regard; at the time of preparing this report, a response was awaited.

#### *National Forest planting*

As set out above, the applicants' proposals include the provision of a combination of on-site planting and an off-site commuted sum in respect of National Forest planting, and the proposals are therefore considered appropriate in this regard.

#### *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 Warren Hills Primary School. The School has a net capacity of 198 and 257 pupils are projected on roll should this development proceed; a deficit of 59 places (of which 15 are existing and 44 are created by this development). There are currently no pupil places at this school currently being funded by Section 106 agreements from other developments in the area. However there is one other primary school within a two mile walking distance of the development (Broom Leys Primary School) which has a forecast surplus of 62 pupil places and could therefore accommodate the pupils generated by the development,

and an education contribution is not therefore requested for this sector.

**High School Requirements:**

The site falls within the catchment area of Castle Rock High School. The School has a net capacity of 600 and 569 pupils are projected on roll should this development proceed; a surplus of 31 places after taking into account the 18 pupils generated by this development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area. There is one other high school within a three mile walking distance of the development (Newbridge High School) which has a forecast deficit of 20.94 pupil places after a total of 5.06 pupil places funded by Section 106 agreements from other developments in the area have been discounted. After taking all schools in this sector into account within a three mile walking distance of the development there is a surplus of 10.06 pupil places, and an education contribution is not therefore requested for this sector.

**Upper School Requirements:**

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1193 and 1073 pupils are projected on roll should this development proceed; a surplus of 120 places after taking into account the 18 pupils generated by this development, and no contribution in respect of the Upper School sector is therefore requested.

*Civic Amenity*

A contribution of £11,768 is sought by Leicestershire County Council towards civic amenity facilities so as to accommodate the additional use of the Coalville Civic Amenity site; at the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the contribution sought.

*Library Services*

A contribution of £9,780 is sought by Leicestershire County Council towards library facilities so as to accommodate the additional use of Coalville Library; at the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the contribution sought.

*Healthcare*

NHS England requests a developer contribution of £16,848.62 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 the Broom Leys surgery) together with commensurate costs of mitigation. In particular, the NHS advises that the practice has no spare consulting rooms available to accommodate the increased population, but that there would be scope to extend the surgery to enable this to take place, and it is considered that this request would meet the relevant CIL and NPPF tests; at the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the contribution sought.

*Contributions Sought by Leicestershire Police*

Leicestershire Police requests a developer contribution of £65,482 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£7,348
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Vehicles	£4,572
Additional radio call capacity	£459
Police National Database	£234
Additional call handling	£401
ANPR	£2,713
Mobile CCTV	£500
Additional premises	£48,895
Hub equipment	£360

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

#### *Other Contributions*

In addition to the contributions as set out above, the applicants' Planning Statement provides that they propose to pay a contribution of £50,000 towards improvements at the Agar Nook Community Centre. The Planning Statement states that the contribution *"is not required by planning policy and as such would not meet the proportionate tests of necessity and reasonableness of the CIL regulations. This is offered by Gladman following engagement with relevant parties and agreed a contribution would be to the benefit of the existing community and future residents generated by the proposed development"*.

The effect of the CIL Regulations is that it is unlawful for a planning obligation to be taken into account when determining a planning application for a development (or any part of a development) capable of being charged CIL if the obligation does not meet all three of the tests set out above.

It is agreed that there is no planning requirement for the proposed community centre obligation and, in particular, it is considered that it is neither necessary to make the proposed development acceptable in planning terms, nor directly related to the proposed development. As such, in officers' view, no weight should be attributed to this proposed contribution when determining the application.

Overall insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the 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, the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, the majority of which falls within the Best and Most Versatile agricultural classification. Whilst located adjacent to the existing settlement, and whilst it would appear to have a fair level of accessibility to local services, the District Council is currently able to demonstrate a five year plus buffer housing land supply. Whilst there is an ongoing need to demonstrate (and maintain) a five year housing land supply, when taking into account the site's location within an Area of Particularly Attractive Countryside (and the presumption contained within Local Plan Policy E22 against development which would diminish the present open character of such areas), the view is taken that the proposed development would not, overall, constitute sustainable development.

It will also be noted from the report above that, as of the time at which the agenda was

prepared, there were a number of unresolved technical issues. As set out above, further supporting information in respect of some matters has been provided but, having regard to the late nature of these submissions, consultees were not, at the time of drafting this report, in a position to provide their updated views. In view of this issue, following notification that they intended to forward additional information on 7 October 2014, officers contacted the applicants on 6 October 2014 to suggest that an extension to the statutory determination date (i.e. the date after which an appeal may be lodged against non-determination), but no agreement has been forthcoming, and the previously agreed determination date (4 November 2014) continues to apply. As such, the Local Planning Authority is not currently in a position whereby it can be satisfied that the technical issues have been addressed in a satisfactory manner, and the recommendation below therefore includes reasons for refusal based on these unresolved issues, and a failure to demonstrate they have been overcome. Should the submitted information subsequently resolve these matters to the satisfaction of the relevant statutory consultees, therefore, it is recommended that, should the Committee resolve to refuse the application for the reasons recommended, in the event of an appeal being lodged, that officers be authorised to advise the Planning Inspectorate as appropriate where any such issues have been overcome, and submit its case accordingly.

**RECOMMENDATION- REFUSE, for the following reason(s):**

- 1 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Policy S3 of the adopted North West Leicestershire Local Plan sets out the circumstances in which development outside of Limits to Development would be acceptable. Paragraph 112 of the NPPF provides that, 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. The site is located outside of the Limits to Development as defined in the adopted Local Plan, and is, in the most part, Best and Most Versatile (BMV) in terms of its agricultural quality. Approval of the application would result in the unnecessary development of BMV land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of the NPPF and Policy S3 of the North West Leicestershire Local Plan.
- 2 In addition to being located outside of the Limits to Development as defined in the adopted North West Leicestershire Local Plan, the site also falls within an Area of Particularly Attractive Countryside. Policy E22 of the adopted North West Leicestershire Local Plan presumes against development within Areas of Particularly Attractive Countryside which would, amongst others, adversely affect or diminish their present open character. By virtue of the site's development for housing, the present open character of that part of the Area of Particularly Attractive Countryside forming the application site would inevitably be diminished, to the detriment of this part of the Area of Particularly Attractive Countryside and the character of the Area as a whole, neither protecting nor enhancing the natural environment and not constituting sustainable development, contrary to the policies and intentions of the NPPF and Policy E22 of the North West Leicestershire Local Plan.



- 3 Paragraph 32 of the National Planning Policy Framework (NPPF) requires that all developments that generate significant amounts of movement be supported by a Transport Statement or Transport Assessment, and that plans and decisions should take account of whether, amongst others, the opportunities for sustainable transport modes have been taken up, and that safe and suitable access to the site can be achieved for all people. Policy T3 of the adopted North West Leicestershire Local Plan requires development to make adequate provision for vehicular access and circulation and servicing arrangements. The application as submitted provides insufficient information to demonstrate the highways and transportation impacts of the proposed development, in the absence of which the Local Planning Authority is unable to be satisfied that unacceptable adverse highway safety and capacity impacts on the surrounding highway network would not result, contrary to the policies and intentions of the NPPF and Policy T3 of the North West Leicestershire Local Plan.
- 4 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of minimising pollution. The site is located approximately 2.2km from the Coalville Air Quality Management Area (AQMA), an area designated on the basis of existing exceedances of the annual mean Air Quality Objective for nitrogen dioxide. The application is supported by an Air Quality Assessment but, having regard to the failure to demonstrate that the predicted traffic flows upon which the Assessment is based are robust, the Local Planning Authority is unable to be satisfied that unacceptable adverse impacts on air quality within the AQMA would not result, contrary to the policies and intentions of the NPPF.
- 5 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of mitigating and adapting to climate change. Paragraph 103 provides that, when determining planning applications, local planning authorities should, amongst others, ensure flood risk is not increased elsewhere. The submitted Flood Risk Assessment (FRA) includes for potential drainage strategies which have the potential to increase the flood risk to others, contrary to the policies and intentions of the NPPF.
- 6 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its economic dimension) and also provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure. The application as submitted does not include for appropriate contributions in respect of associated infrastructure (including mitigation for the impacts of the proposed development in terms of youth / adult recreation facilities, library facilities, civic amenity and healthcare), contrary to the policies and intentions of the NPPF.

### Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but

## **PLANNING APPLICATIONS- SECTION A**

fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively 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).