

Development of up to 2700 dwellings, up to 2 Ha for a new local centre including up to 2000 sqm for A1, A2, A3, and A5 uses, up to 499 sqm for public house restaurant, up to 400 sqm for children's day nursery and up to 500 sqm for new medical centre; new primary school, on-site National Forest planting and areas of public open spaces, new bus routes and bus infrastructure and associated highways and drainage infrastructure. (Outline - all matters reserved)

Report Item No
A4

Land Off Grange Road Grange Road Hugglescote
Leicestershire

Application Reference
13/00956/OUTM

Applicant:
Bloor Homes, Davidsons Group, Harworth Estates And SECP
Ltd

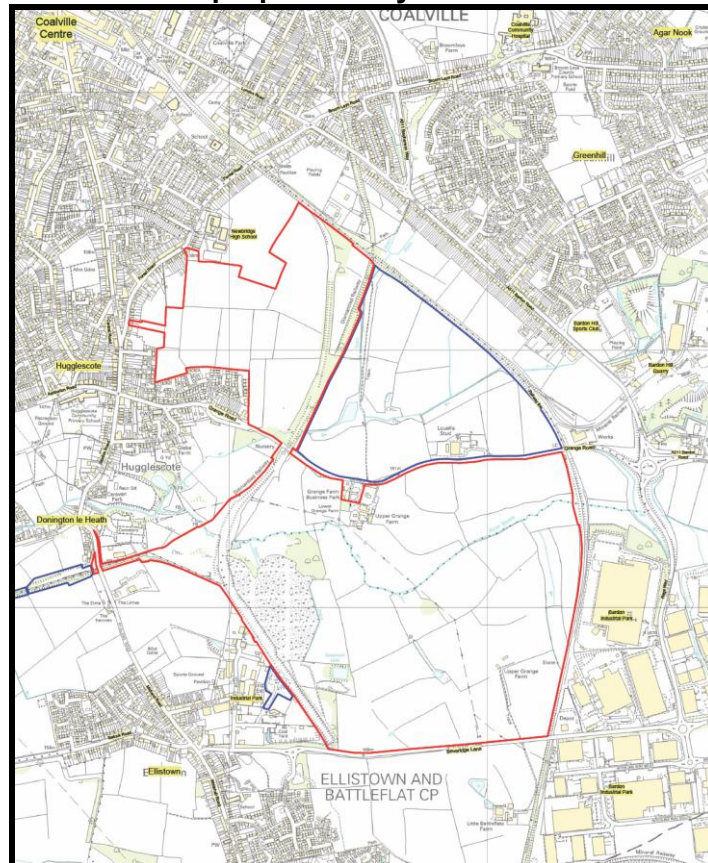
Date Registered
26 November 2013

Case Officer:
James Knightley

Target Decision Date
25 February 2014

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission for residential development of up to 2,700 dwellings together with other uses including a new primary school and local centre, as well as associated highway works and infrastructure, green infrastructure, landscaping and public open space.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals (and including concerns raised by Hugglescote & Donington le Heath and Ellistown & Battleflat Parish Councils).

Planning Policy

The majority of the application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and, therefore, subject to Policy S3. A number of other site-specific policies are also applicable; these are set out in more detail within the main body of the report below.

Conclusion

The report below indicates that, whilst much of the site is a greenfield site outside Limits to Development, and whilst the proposed development would lead to the approval of a greater number of dwellings than the minimum identified in the Strategic Housing Market Assessment (SHMA), having regard to the site's general suitability for housing (including its proximity to the built up areas of Coalville, Hugglescote and Ellistown, and nearby employment areas), and the limited environmental impacts, the proposals would, overall, be considered to constitute sustainable development, and release of the site for the proposed development would be appropriate in principle.

Whilst access itself is a reserved matter, the proposed development has regard to the impacts on the wider highway network and includes for appropriate contributions to highways and transportation infrastructure. The proposed development would, it is considered, be able to be undertaken in a manner acceptable in terms of these issues, and there are no other technical issues that would indicate that planning permission should not be granted. Whilst the full range of developer contributions sought would not, for viability reasons, be provided (and including a full, policy-compliant contribution to affordable housing), having regard to the viability limitations affecting the development, an appropriate balance of contributions to infrastructure is considered to be provided for so as to mitigate the most significant impacts of the proposals on local facilities, whilst ensuring the development remains viable.

RECOMMENDATION:-

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

THAT ANY SUBSEQUENT RESERVED MATTERS PLANNING APPLICATION(S) WILL BE DETERMINED BY THE PLANNING COMMITTEE

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

MAIN REPORT

1. Proposals and Background

This is an outline planning application, accompanied by an Environmental Statement, for the mixed development of a site of approximately 179 hectares to the south east of Coalville currently in a range of uses, and primarily agriculture. Whilst all matters are reserved for subsequent approval, a Development Framework plan has been submitted which shows:

- Up to 2,700 new dwellings
- A new 2 hectare local centre (including up to 2,000sqm for A1, A2, A3 and A5 uses, up to 499sqm for a public house / restaurant, up to 400sqm for a children's day nursery and up to 500sqm for a new medical centre);
- A new primary school;
- New footpaths and cycleways, including along the dismantled railway lines and the River Sence corridor;
- New bus routes and bus infrastructure;
- National Forest planting and areas of public open space; and
- Highway and drainage infrastructure

As set out above, the application is in outline with all matters reserved. However (and following amendment), the Development Framework plan indicates a number of routes serving the development and including vehicular connections to Grange Road, Forest Road and Beveridge Lane, together with additional pedestrian, bus and cycle links. In particular, the supporting information suggests that the proposed vehicular access arrangements would include:

- Two new accesses south of Grange Road to tie in with the accesses approved as part of the 800 dwellings north of Grange Road (planning permission ref. 12/00376/OUTM, and its subsequent Section 73 permission, ref. 13/00415/VCUM);
- A new access north of Grange Road to the east of the surgery;
- A new access off Wainwright Way to the north;
- Two new accesses off Beveridge Lane to the south; and
- Two new accesses off Forest Road to the west, one bus-only and one for all vehicles

The site is comprises two principal parcels:

- Land to the north of Grange Road (between the dismantled railway and Forest Road), principally in agricultural / grazing use, and also including dismantled railway routes; and
- Land to the south of Grange Road (between the dismantled railway in the west and the Leicester to Burton line to the east, and as far south as Beveridge Lane), primarily in agricultural / grazing use, but also including the spoil heap from the former South Leicester colliery, the disused railway line which served that colliery, and an area of rough marshland in the River Sence valley.

The Development Framework plan indicates significant areas of open space / National Forest planting, the largest areas of which are indicated as following the line of the dismantled railway (including its sections both to the north and south of Grange Road), adjacent to the Leicester to Burton line, and following the course of the River Sence which bisects that part of the application site south of Grange Road. As such, three distinct areas of built development are proposed: residential development within that part of the application site north of Grange Road; residential development south of Grange Road, between Grange Road and the River Sence (in effect forming a larger cluster of development with the southern section of the 800 dwelling scheme north of Grange Road (ref. 12/00376/OUTM)); and a larger area of both residential and non-residential development to the south of the River Sence, and including the proposed local centre and primary school etc. The western part of this southern section of the application site

(i.e. the area in the vicinity of the former South Leicester colliery) was the subject of three applications granted in May 2012; a full application for the erection of a unit for storage and distribution (B8) use with ancillary B1 office space, an outline application for the erection of storage and distribution (B8) units with ancillary B1 office space and industrial units (B2) with ancillary B1 office space, and a full application for associated ground engineering / earthworks (refs. 07/01108/FUL, 07/01112/OUT and 07/01119/FUL respectively).

In terms of phasing of the proposed development, the Environmental Statement indicates that it is proposed that the development would commence in the area closest to the existing urban area, off Wainwright Road. It is then anticipated that development would commence simultaneously to the south of Grange Road and to the north of Beveridge Lane. Development would also be expected to commence to the north of Grange Road, via the access near the existing surgery. The applicants advise that this phasing would enable provision of at least four housing sales outlets in differing locations, so as to facilitate construction and completion of the development as soon as possible. Insofar as the non-residential development is concerned, the proposed new southern local centre (including surgery) and primary school would be developed at around 10 years into the overall build programme. Prior to this, however, the application provides that it is intended to fund extensions to the existing Grange Road surgery and the proposed local centre and primary school proposed as part of the approved 800 unit scheme would also be expected to be delivered prior to this point.

Depending on market conditions and the number of sales outlets, it is anticipated that between 150 and 200 dwellings per annum would be expected to be built once the development has progressed beyond the first phase, and the overall construction phase would be expected to last for between 15 and 20 years.

2. Publicity

226 no neighbours have been notified.

Site Notice displayed 5 August 2014

Press Notice published 20 August 2014

3. Consultations

Hugglescote & Donington Le Heath consulted

LCC Development Contributions consulted 30 July 2014

County Highway Authority consulted 30 July 2014

LCC/Footpaths consulted 30 July 2014

Environment Agency consulted 30 July 2014

County Archaeologist consulted 30 July 2014

Highways Agency- affecting trunk road consulted 30 July 2014

Department Of Transport Rail Group consulted 30 July 2014

HM Railway Inspectorate consulted 30 July 2014

Hugglescote And Donington Le Heath Parish Council consulted 30 July 2014

National Forest Company consulted 30 July 2014

Manager Of Housing North West Leicestershire District Council consulted 30 July 2014

Head Of Street Management North West Leicestershire District consulted 30 July 2014

NHS Leicester, Leicestershire And Rutland Facilities Management consulted 30 July 2014

DEFRA consulted 30 July 2014

Severn Trent Water Limited consulted 30 July 2014

Natural England consulted 30 July 2014

Ramblers' Association consulted 30 July 2014

Police Architectural Liaison Officer consulted 30 July 2014
Airport Safeguarding consulted 30 July 2014
NWLDC Footpaths Officer consulted 30 July 2014
Head of Environmental Protection consulted 30 July 2014
Head Of Leisure And Culture consulted 30 July 2014
Development Plans consulted 30 July 2014
NWLDC Urban Designer consulted 30 July 2014
LCC ecology consulted 30 July 2014
Transco north consulted 30 July 2014
LCC Fire and Rescue consulted 30 July 2014
Office Of Rail Regulation consulted 30 July 2014
Network Rail consulted 30 July 2014
National Grid UK consulted 30 July 2014
Ellistown And Battleflat Parish Council consulted
NWLDC Tree Officer consulted 30 July 2014
Head of Environmental Protection consulted 12 December 2013
NWLDC Urban Designer consulted 3 December 2013
County Planning Authority consulted 3 December 2013
Highways Agency- affecting trunk road consulted 3 December 2013

4. Summary of Representations Received

Ellistown and Battleflat Parish Council considers that the proposals represent such a large number of houses that they will transform Ellistown (and Hugglescote), and that a suitable level of infrastructure would need to be delivered at an early stage in the development, including a need for a purpose-built community centre in Ellistown. The Parish Council considers that the development should at least meet the minimum standard for green space provision, and should use the opportunity to ensure that the settlement meets, at the very least, the National Playing Fields Association's Six Acre Standard for outdoor playing space (and that neither the River Sence flood plain nor green space at any new local school should be included in this calculation). The Parish Council also considers that there needs to be more social and welfare provision including community facilities, medical facilities and dentists. The Parish Council is also concerned about the capacity of the Beveridge Lane bridge to cope with increasing amounts of traffic.

Environment Agency has no objections subject to conditions

Highways Agency has no objections

Hugglescote and Donington le Heath Parish Council advises that a further response will be provided once its Members have had the opportunity to consider fully the plans submitted. However, attention is drawn to previously made comments from 2012 in respect of the earlier application on land north of Grange Road (Bloor Homes scheme) when the following concerns were raised:

- No properties should be built on the site without the provision of a mitigating link road
- Roads in the Hugglescote area could be swamped by traffic unless realistic proposals are put in place to alleviate traffic congestion
- Impacts on Birch Tree island and Hugglescote Crossroads, both of which are already over-congested at peak times
- Junction improvements will be adequate to overcome problems
- Development could simply become a dormitory for Leicester commuters and do nothing

towards enhancing life in Hugglescote or the regeneration of Coalville Town centre

Leicestershire County Council Archaeologist had raised concern in respect of the original submissions; amended plans have been submitted in order to address these concerns and the County Archaeologist's final comments are awaited

Leicestershire County Council Education Authority advises that it requires the provision of a new primary school together with financial contributions towards the primary and high school sectors

Leicestershire County Council Library Services Development Manager requests a developer contribution of £146,740

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Highway Authority has no objections subject to conditions and planning obligations

Leicestershire County Council Rights of Way Officer has no objections but advises that a number of rights of way are affected, and that diversions may be required

Leicestershire County Council Waste Management Authority requests a developer contribution of £176,526 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire Police raises objection on the grounds that the development would be unsustainable and does not assess crime, community safety and policing impact. A policing contribution of £952,050 is also requested.

National Forest Company has no objections subject to conditions and planning obligations

National Grid advises that it has apparatus in the vicinity of the application site that may be affected

Natural England has no objections

Network Rail has no objections in principle, but seeks closure of level crossings in association with the proposed development, and / or contributions to improving safety at crossings

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £276,931.20

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

North West Leicestershire District Council Leisure and Cultural Services requests a leisure contribution of £971,500

Severn Trent Water has no objections subject to conditions

Third Party representations

8 representations have been received, raising the following concerns:

- Impact on local highway network, including in respect of Grange Road and the Hugglescote Crossroads
- Flooding
- Loss of village identity of Hugglescote
- Impact on wildlife
- Nothing in Coalville for people to move there for
- No need for a new health centre - existing one is underused
- No need for a new public house - existing ones closed in Hugglescote
- Insufficient school capacity
- Too many houses proposed in Coalville
- Insufficient affordable housing
- Loss of property value
- Noise / disturbance from proposed access

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

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

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

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

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

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

"24 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in

town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

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

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

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

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

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

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

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

"38 For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties."

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

housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

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

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

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

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

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

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

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

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

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

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

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

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

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

"121 Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- adequate site investigation information, prepared by a competent person, is presented."

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

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

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

"135 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

"173 Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to

a willing land owner and willing developer to enable the development to be deliverable."

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

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

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

Adopted North West Leicestershire Local Plan (2002)

That part of the application site south of Grange Road falls outside of Limits to Development as defined in the adopted North West Leicestershire Local Plan. The remainder falls within Limits to Development. Save for the areas wherein the links to Forest Road are proposed to be provided, that part of the application site north of Grange Road is, as well as being within Limits to Development, allocated for residential development within the adopted Local Plan under Policy H4.

Policy S2 provides that development will be permitted on allocated sites and other land within the Limits to Development where it complies with the policies of the Local Plan.

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

As noted above, save for the areas wherein the proposed links to Forest Road are proposed to be provided, that part of the application site north of Grange Road is, as well as being within Limits to Development, part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g).

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

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

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

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

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

Policy E3 seeks to prevent development which would be significantly detrimental to the

amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

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

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

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

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

Policy E21 presumes against development which would result in a reduction in the physical separation between the built-up areas of adjoining settlements as identified on the Proposals Map.

Part of the site is also designated as a District level site of ecological importance under Policy E26 (although the area of the District level site is not as extensive as the E26 designation). Policy E26 states that development will not be permitted which could adversely affect sites of County and District ecological or geological interest, or Local Nature Reserves.

Policy E36 sets out the general approach to proposals for the reclamation and re-use of derelict land.

Policy E37 provides that the derelict site of the former Coalville-Hugglescote Railway will be reclaimed as a recreational trail with associated conservation interest and that the derelict site of the South Leicester Colliery Tip will be reclaimed by way of regrading and planting.

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

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

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

Policy T14 presumes against development which would be likely to impair the continuity of disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors.

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

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

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

Other Policies

North West Leicestershire District Council Affordable Housing SPD

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

Key Principle 3 requires a minimum of 20% of residential units to be available as affordable housing within the Greater Coalville area.

North West Leicestershire District Council Play Area Design Guidance SPG

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

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

On 11 June 2013, and following the completion of consultation on the draft policy, the District Council's Cabinet approved the revised policy document. The adopted policy states that "Where the Council is satisfied that a major residential development proposal in or around the Coalville area is proven to be unviable as a result of required developer financial contributions (e.g. off site highway works; education provision and affordable housing requirements), the Council will consider relaxing its normal affordable housing requirements proportionately so as to:

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

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

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

Submission Core Strategy

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

the Submission Core Strategy.

South East Coalville Development Brief

A Development Brief for the South East Coalville Strategic Development Area has been prepared by consultants on behalf of the developers' consortium with interests in the land in conjunction with the Local Planning Authority, and including input from other professional consultants, stakeholders and members of the local community, in order to inform the process of planning and development of land at South East Coalville.

The draft Development Brief was considered by the District Council's Cabinet at its meeting of 23 July 2013 where it was resolved that the production of the Development Brief for South East Coalville be noted, that regard be had to the Development Brief when negotiating on and determining planning applications in the South East Coalville Broad Location, and that the Development Brief form part of the evidence base for the [then] submission Core Strategy.

6. Assessment

Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the adopted North West Local Plan, significant areas of the site are either allocated for residential development under Local Plan Proposal H4g, or are outside Limits to Development. As noted under Relevant Planning Policy above, there are also some areas of the site which are neither within the residential development allocation, nor outside Limits to Development, and are simply within Limits to Development.

Allocated Site and Land within Limits to Development

Insofar as that part of the site subject to the allocation for residential development is concerned, Policy H4 provides that "The following sites, identified on the Proposals Map, are allocated for housing, subject to the specific requirements subsequently identified in respect of each site:

...(g) Grange Road, Hugglescote (89 ha; 450 units within the Plan period)..."

In detail, Proposal H4g provides that:

"Development of this site must be undertaken in a comprehensive and phased manner, which incorporates or secures the following requirements:

(i) The part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout, as shown on the Proposals Map;

(ii) Vehicular and pedestrian access to the site from that road;

(iii) A railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the road referred to in requirement (i) above;

- (iv) *A site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station referred to in requirement (iii) above;*
- (v) *A site for a new primary school;*
- (vi) *An appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway;*
- (vii) *A substantial landscaped belt along the Grange Road frontage of the site;*
- (viii) *Appropriate off-site foul and surface water drainage facilities; and*
- (ix) *Appropriate traffic calming measures on Dennis Street, Hugglescote.*

All requirements of this development, whether arising from the above or other policies of this Local Plan, should be provided at times and levels commensurate with the then number of dwellings constructed.

Within the Plan period, development of about 450 dwellings only will be permitted. All development, whether within or beyond the Plan period, should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, and outwards from the existing urban edge.

Otherwise than in respect of interim agricultural development, development for any purpose not directly related to the use of this site as a housing area will not be permitted."

Further information is contained within the explanatory paragraphs accompanying the policy. These provide as follows:

7.61 *This site lies within the National Forest, and is subject to the policies set out in Chapter 5.*

7.62 *Development of this site could not be contemplated before the road referred to in requirement (i) above is constructed, in view of the present unsatisfactory highway and traffic conditions on the existing A511 Bardon Road between the Birch Tree Roundabout and Coalville, and other existing roads in the area. Because of its poor cost/benefit ratio, that road is, however, unlikely to attract public funding within the foreseeable future.*

7.63 *Development of this site will result in the capacity of existing schools in the area being exceeded if additional accommodation is not provided for.*

7.64 *The Council will therefore seek, consistent with the tests set out in Circular 1/97, a financial contribution from the developer towards the costs of the A511 road scheme referred to in requirement (i) above, the railway station referred to in requirement (iii) above and the capital costs of the school referred to in requirement (v) above.*

7.65 *A development brief will be prepared to provide further detailed guidance on the development of this site. This will address, inter alia, the phasing and location of all development on the site, including both the above requirements and requirements arising from other policies of this Local Plan such as playing fields and amenity areas.*

7.66 *The site is visually contained within a number of ridge lines, and relates well to the existing built form of the area. In order to preserve this relationship, it is essential that development proceeds outwards from the present urban edge. The site is also of relatively low agricultural quality.*

7.67 *Development within the Plan period of more than 450 dwellings on this site would, when account is taken of all housing land across the District, result in allocations in excess of the level necessary to ensure compliance with Housing Policy 1 of the Adopted Leicestershire Structure Plan. It is considered that, when seen in the context of this site as a whole, the construction of 450 dwellings by the year 2006 will strike an acceptable balance between the costs and returns to the developer.*

7.68 *The site lies within the Ivanhoe Line Transport Choice Corridor. Provision of a railway station as an integral feature of the development will increase transport choice and as a result help reduce car commuting. It is also logical to site the proposed shopping centre and community facilities close to the railway station, both for users' convenience and to make them an integrated and focal part of the overall development scheme.*

Notwithstanding these provisions, however, the Inspector who determined the appeal in respect of a site at Lower Packington Road (decision issued in October 2014) took the view that, given that Policy H4 only provided for the District's housing needs up until the end of the Plan period (i.e. 2006), it was no longer up to date. As such, it may be appropriate to attach less weight to this policy. Having said this, however, the part of the site subject to Proposal H4g would, regardless, fall within Limits to Development, and this is not therefore considered to be critical as a determining factor in respect of assessing the suitability or otherwise of the site for residential development in principle.

Whilst within the area subject to Proposal H4g, the application only proposes development to the western end of that allocation (i.e. from the dismantled railway lines westwards), the eastern portion having been the subject of a separate outline planning permission granted in 2012 (ref. 12/00376/OUTM), and for which the first phase reserved matters have been approved. It is also noted that two parcels of land to the western end of the allocation are also excluded from the current application (land to the rear of properties on Forest Road and Peggs Grange).

In terms of the proposals' performance vis-à-vis the requirements of Proposal H4g (and bearing in mind the views of the Inspector who determined the Lower Packington Road appeal as to whether Policy H4 remains up-to-date), the following conclusions are reached:

Comprehensive and phased development

It is noted that this application is for only part of the wider allocation. As set out above, the eastern section of the allocation already has the benefit of outline planning permission for residential development. Insofar as the remaining parcels to the west are concerned, these are believed to be under separate control from the application site, and are not included within the application. However, based on the submitted Development Framework plan, there would not appear to be any overriding reason why approval of the current outline application would prejudice those remaining areas being brought forward in due course, although clearly availability of suitable routes into these parcels would need to be borne in mind when assessing any future reserved matters application(s) affecting the proposed site layout.

Provision of the part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville

Roundabout

As set out at the time that the application for the eastern portion of the allocation was considered, it is accepted that there is no longer any strategic highway case for the provision of a relief road for Bardon Road per se, albeit planning permission 12/00376/OUTM requires the provision of a vehicular link between that site and Bardon Road prior to occupation of 600 dwellings on that site, and further consideration of the need for that link in relation to the current proposals is given within the Means of Access, Highways and Transportation Issues section below. Regardless, however, it is noted that the route of the relief road promoted in the adopted Local Plan does not affect this part of Proposal H4g.

Provision of vehicular and pedestrian access to the site from the new road

The application proposes vehicular links between the eastern and western sections of the application although, as set out above, the route of the relief road promoted in the adopted Local Plan does not affect this part of Proposal H4g.

Provision of a railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the new road

This criterion does not affect this part of Proposal H4g.

Provision of a site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station

This criterion does not affect this part of Proposal H4g.

Provision of a site for a new primary school

This was provided for under planning permission 12/00376/OUTM. Further consideration of the current education proposals is given under Developer Contributions and Development Viability below.

Provision of an appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway

This criterion does not affect this part of Proposal H4g.

Provision of a substantial landscaped belt along the Grange Road frontage of the site

Whilst this is an outline application with all matters reserved, it is considered that the illustrative masterplan shows that an appropriately sized landscaped buffer would be achievable.

Provision of appropriate off-site foul and surface water drainage facilities

The scheme is considered to be acceptable in this regard; this issue is considered in more detail below.

Provision of appropriate traffic calming measures on Dennis Street, Hugglescote

None is proposed as part of the application; the wider issues in respect of the impacts on the local highway network are addressed later in this report. However, it is noted that no such measures have been sought by the County Highway Authority.

Compliance with Other H4g Requirements

Insofar as the requirement that, within the Plan period, development of about 450 dwellings only would be permitted is concerned, it is noted that the Local Plan period was to 2006.

In terms of the requirement that all development should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, and outwards

from the existing urban edge, it is considered that the development of this part of the overall allocation would be desirable having regard to the intentions of H4g, and would serve to address the concerns raised in respect of this issue when application 12/00376/OUTM was permitted.

Overall, in respect of the development of that part of the site subject to Policy H4 / Proposal H4g, it is considered that the proposals would, for the most part, not conflict with the overall aims and intentions of that policy and, where a departure from that policy would arise, no materially adverse impacts would result from the non-compliance.

Insofar as those parts of the site not within the H4g area but otherwise falling within Limits to Development are concerned, these are limited to the links to Forest Road and land to the western embankment of the dismantled railway where it abuts the South Leicester Industrial Estate.

Also relevant to allocated land or land within Limits to Development is Policy H4/1, however, and this is considered in more detail below.

Land outside Limits to Development

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3.

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

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

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

Whether or not this site would be considered "appropriate" is a matter of judgement. Insofar as the site's location is concerned, and whilst it is, for the most part, outside Limits to Development, it is considered to be well related to the existing built up area of the town.

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

As per Policy H4, however, the Inspector who determined the appeal in respect of the site at Lower Packington Road issued in October 2014 also took the view that Policy H4/1 was no

longer up to date in that it adopts a sequential approach to development contrary to the provisions of the NPPF. Again, therefore, it may be appropriate to attach less weight to this policy.

Housing Land Supply and Limits to Development

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

However, as reported to Committee on 8 July 2014, a recently completed County-wide Strategic Housing Market Assessment (SHMA) has provided the Council with an up-to-date objectively assessed annual housing requirement. The approach used in the SHMA to establishing an Objectively Assessed Need (OAN) has recently been supported on appeal in respect of the site at Lower Packington Road issued in October 2014 and, based on the findings of the Inspector in respect of calculating supply, the District Council's latest housing supply trajectory indicates that, as matters currently stand, using the approach of an annualised requirement with a 20% buffer, the District is able to demonstrate a supply of 6.18 years.

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

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

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development would ensure that the scheme would sit well in terms of the economic dimension. Whilst the role played by the proposed development in contributing to housing land supply and its inclusion of appropriate contributions to local services as detailed below would be positive aspects in terms of the social dimension, these factors also need to have regard to the issues in respect of affordable housing as considered in more detail under the relevant section of this report. In support of the

application and, in particular, its contributions towards both the economic and social dimensions, the applicants draw attention to the Leicester and Leicestershire Economic Partnership's Strategic Economic Plan (March 2014) and its five "flagship" proposals to deliver economic growth in the county (including the "Coalville Growth Corridor"). They comment that £4.64 million of Central Government funding has already been secured through the "Growth Deal" specifically for M1 and A42 junction improvements and to achieve the Coalville Growth Corridor objectives of 5,300 new homes and 25 hectares of employment land. South East Coalville is, they state, a fundamental component of this growth. In particular, and in addition to the developer contributions as set out in more detail later on in this report, they advise that the proposed development would deliver the indirect regeneration of Coalville town centre by way of increased economic activity worth £690 million, the creation of 4,050 construction jobs and 8,100 jobs in the supply chain, and a New Homes Bonus payment of around £14.5 million over six years. It is accepted that that the associated employment benefits that would arise as a result of the proposed development would assist in terms of its contribution to the economic and social strands of sustainable development. Similarly, the impacts of introducing new residents to the town a proportion of whom will, depending on the suitability of the linkages, use the services available within the town, assist in the regeneration of the town centre, with its associated benefits in terms of all three dimensions of sustainable development.

Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in the relevant sections below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up area and associated services, has the potential to perform well in terms of need to travel and the movement towards a low carbon economy subject to the provision of suitable pedestrian and cycle linkages to nearby services.

In terms of the proposed residential element of the development, it is considered that there is a strong case for permitting the development, particularly given the need to demonstrate (and maintain) a 5 year (plus buffer) supply of housing land and, as set out in this report, the scheme's overall positive contribution to sustainable development. In this regard, the weight to be attributed to the housing land supply issue needs to take into account the likely five year housing land supply contribution provided by the application; on the basis of the District Council's housing trajectory contained within the former draft submission Core Strategy, 100 units would be anticipated to be delivered by 2017/18, with a further 50 by 2018/19. Whilst the development would, overall, make a significant contribution to housing land supply by 2031 (the end of the Plan Period proposed under the now withdrawn Core Strategy and under the emerging proposed Local Plan), the weight to be attached to its contribution in terms of five year supply should, it is considered, be adjusted accordingly (although reference should also be made to the developers' anticipated delivery rates as set out under Proposals and Background above).

A further issue to be considered is the potential for the approval of 2,700 dwellings, when added to other approved developments in the District to, overall, lead to a greater number of dwellings being provided by 2031 than the figure established by way of the County-wide OAN / SHMA work. Whilst, for their part, the applicants consider the overall housing land requirement established by the SHMA to represent an under-estimate (given likely employment growth rates, for example), the overall OAN figure is not, necessarily, considered to be an overriding factor in this issue. Whilst, approval of the number of dwellings proposed could, when considered in the context of other approved developments in the District, lead to an "over-supply" vis-à-vis the OAN, the OAN figure is, in effect, a minimum requirement, and it is considered that the key issue is, rather, whether the development remains "sustainable" in NPPF terms.

The issue of housing land supply does not affect the associated non-residential development forming part of the proposals in the same way, although it is noted that there is an obligation to provide for the needs of business within the NPPF, and it is also accepted that, to a degree, much of the associated development is appropriate in principle, given the need to deliver such development in association with new major residential development.

In addition to falling outside of Limits to Development, a small section of the site west of Midland Road (including part of the route of a dismantled railway) is within an Area of Separation as set out under adopted Local Plan Policy E21). However, on the basis of the submitted Development Framework plan, no built development would be provided for within this part of the application site, so no material conflict with this policy would be likely to arise.

South Leicester Disposal Point

As noted above, the majority of the site is greenfield although a significant proportion (and including the South Leicester Disposal Point) is nevertheless previously developed. The illustrative details indicate that that part of the former disposal point falling outside of the flood plain would be developed as housing (with the remainder as green infrastructure).

In detail, Policy E37 of the North West Leicestershire Local Plan, which affects the south western area of the site in the section adjacent to the South Leicester Industrial Estate, provides that "The following derelict sites, identified on the Proposals Map, will be reclaimed for the purposes indicated:....

....(i) South Leicester Colliery Tip, Ellistown : regrading and planting."

General advice on the approach to derelict land is contained within Local Plan Policy E36.

This area of the site is the subject of extant planning permissions on a site of 29 hectares. The two principal permissions are a full permission for a single unit of 29,762sqm of B8 floorspace (ref. 07/01108/FUL) and an outline permission for a range of units comprising 4,480sqm of B2 floorspace and 17,920sqm of B8 floorspace (ref. 07/01112/OUT). The full permission expires in May 2015 and, in order to keep the outline planning permission extant, the reserved matters would need to be submitted by May 2015. An associated full permission granted at the same time also enabled the formation of a plateau for the approved schemes (ref. 07/01119/FUL).

Whilst these permissions would allow for the reclamation of the derelict site, it is not clear as to whether these permissions would be implemented. At the time those previous permissions were granted, the view was taken that, in the absence of conditions imposed on any minerals permission affecting the site, there was a significant prospect of the site remaining in its current condition. As such, notwithstanding the non-compliance with a literal interpretation of Policy E37, the lack of any ability to enforce the restoration of the former tip in line with Policy E37 was attached weight as a material consideration. In this regard, it is again considered that, notwithstanding the likely non-compliance with Policy E37 (i.e. given the nature of the proposals in this albeit outline application), this non-compliance would not be a significant concern which would otherwise indicate that planning permission ought to be withheld. Again, the view is taken that significant weight should be given to the potential benefits which would arise from the development insofar as restoration of the existing derelict site is concerned which could otherwise not be secured. Policy E37 also sets out requirements (subsection (a)) in respect of the former Coalville-Hugglescote railway, providing that it will be reclaimed as a recreational trail with conservation interest. It is considered that the proposed development would be broadly in line with this intention; attention is also drawn to the requirements of Policy T14 (considered in

more detail under Means of Access, Highways and Transportation Issues below.

A further issue arising from the redevelopment of the former disposal point for housing is that the previously approved employment development would no longer be delivered, thus not assisting the District in securing its required employment land. Whilst this would be unfortunate, it is not considered that this loss of a potential employment site would warrant a refusal of the application. It is also noted that the residual employment land requirements as identified in the former submission Core Strategy did not take this site into account as a committed site at that time, and hence the overall District-wide requirement would not increase as a result of any such alternative permission being granted for the site.

Conclusions in respect of the Principle of Development

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

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

It is also necessary to consider any other relevant material considerations, including the Government's current intentions in respect of the need to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF), and the current position in the District in terms of housing land supply. An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance (albeit regard also needs to be had to the extent of the contribution that this site would be likely to make within the next five years). In addition, the scheme would provide for growth within the Coalville area, bringing new residents into the town, and thus assisting, indirectly, in the regeneration of the town centre (and, accordingly, contributing to sustainable development in this regard also).

Overall, and for the reasons set out within this report, the proposed development of the site is considered to represent sustainable development, and to be acceptable in principle.

Detailed Issues

In addition to the issues of the principle of development, consideration of other issues relevant to the application (and including those addressed within the Environmental Statement) is set out in more detail below.

Landscape and Visual Impact

The development has been assessed in terms of its landscape and visual effects both during and after construction. The Environmental Statement identifies the elements of the site and its surroundings that are important in terms of landscape resources and landscape character, and the extent to which these would be affected by the proposals. In terms of other evidence in respect of the landscape and visual impacts, it is noted that the District Council's Settlement Fringe Assessment, undertaken on behalf of the Council as part of its Core Strategy evidence

base, considered much of the application site, identifying that the southern part of the application site was a sensitive landscape, and that the landscape character had rural qualities with distinctive pockets close to the rivers. However, it noted that the landscape was very influenced by the large warehouse development at Bardon 21 and by the urban edge of Coalville and Hugglescote which was visible as an expansive settlement on higher ground. The Settlement Fringe Assessment indicated that the site had moderate potential to achieve mitigation in keeping with landscape character. In particular, it suggested that *"The land to the west of the disused railway could be developed with relatively few adverse effects on the wider landscape. Existing woodland along the railway embankments provides a strong screen and very little augmentation of this woodland would be required as mitigation. Land to the east of the railway is more sensitive particularly to the south of Grange Road and close to the approach to Hugglescote where development is generally not visible and the land has a slightly more rural character although Bardon 22 Industrial Estate is prominent. Views to the south of Grange Road are distinctive across rolling farmland with frequent trees. It would be difficult to retain this character if the land was developed as mitigation planting would also alter the character. In addition it would reduce the sense of separation between Coalville and Ellistown. Any development close to Bardon 22 would need advanced and established woodland planting to maximise screening prior to development taking place"*.

The Environmental Statement suggests that, notwithstanding the scale of the site, it has a relatively tight visual envelope which is defined broadly as follows:

- From the north, views towards the site are largely limited by the existing housing along Bardon Road and from the northeast, by the highways infrastructure of the A511 as the route crosses the rising lower slopes of Bardon Hill; Bardon Hill and Bardon Quarry also limit views from the north-east;
- From the south, views towards the site are limited by the southern edge of Ellistown and also by the existing landform and also extensive workings and buildings of the Ellistown clay pit;
- From the east, views towards the site are limited by the existing large scale units at Bardon 22 industrial estate; and
- From the west, views towards the site tend to be restricted by the combination of landform and settlement edge at Forest Road, Hugglescote and Ellistown.

Within this overall visual envelope the Environmental Statement indicates that there are variations in the degree of inter-visibility between areas and in the nature and extent of views.

In terms of mitigation, the Environmental Statement states that the design of the mitigation strategy has been led by landscape character and visual amenity, and has drawn on the preliminary appraisal of landscape and visual issues, and on the early identification of constraints and opportunities. It has also, it suggests, drawn on the opportunities and constraints identified for the site but in the context of the surrounding area, together with the responses received in respect of the EIA scoping request. The mitigation set out within the Environmental Statement includes:

- Retention of existing structural vegetation along the disused and existing railways and along the River Sence corridor;
- Inclusion of landscaping in the design of open spaces around the northern and eastern edges of Hugglescote;
- Retention of vegetation along the western part of Grange Road;
- Inclusion of green infrastructure along the key connections and in substantial areas of open space;
- The retention of the corridor of open land along the River Sence (including enhancements in terms of wetland areas and associated riparian trees);
- A linear belt of native tree and woodland planting along the edge of the Bardon 22

- industrial estate, including some irregular shaped edges and pockets of open grassland;
- High quality design of buildings within each area of the development proposal that respond to the local environment in terms of character, including materials, colour, articulation and fenestration and building heights and densities;
- Retention of the existing field pattern and boundary hedgerows in the framework of development compartments and retention of existing ponds and wetlands as features within public open space;
- Additional green infrastructure along key routes and connections, including buffer planting;
- Retention and enhancement of the tree and woodland belts associated with the dismantled railways and the River Sence corridor;
- Inclusion of areas of open space and tree planting throughout the scheme; and
- Inclusion of a strong and comprehensive network of green infrastructure throughout the development

The Environmental Statement considers the landscape and visual impacts on 20 receptors, assessing the impact, and taking into account the proposed mitigation. These viewpoints are located at a variety of positions both within and surrounding the application site, primarily from publicly accessible points, such as from roads or rights of way. The receptors assessed are as follows:

- Access land at Billa Barra Hill;
- Ivanhoe Way (A511 to Greenhill)
- Public right of way at Bardon Hill
- Warren Hills Road
- A511 (near Birch Tree roundabout)
- Public right of way at Bardon Road
- Scotlands Playing Fields
- Properties at Forest Road
- Public right of way north east of Hugglescote
- Properties at Hugglescote (east)
- Donington le Heath Manor House
- The Grange Walk (circular walk on local Public right of way) Snibston to Ellistown
- Public right of way south of Hugglescote and Millfield Recreation Ground
- Grange Road
- Public right of way north of Grange Road
- Public right of way between Grange Road and Beveridge Lane
- Ellistown (north-east)
- Ellistown (south-east)
- Beveridge Lane
- Public right of way south of Beveridge Lane

In terms of the impacts upon these receptors, these are predicted as follows (expressed in terms of magnitude / significance), and at three principal phases (namely during construction, following completion, and at 15 years following completion):

Construction Phase:

Nil / No Effect 4

Negligible / Negligible 3

Negligible to Low / Minor Adverse 3

Negligible to Low / Minor to Moderate Adverse 1

Low / Minor Adverse 2

Medium / Minor Adverse 1

Medium / Moderate Adverse 2
Medium / Moderate to Major Adverse 2
High / Major Adverse 2

Year 1 (following completion):

Nil / No Effect 4
Negligible / Negligible 4
Low / Minor Adverse 1
Low / Minor to Moderate Adverse 3
Low / Moderate Adverse 1
Medium / Minor Adverse 1
Medium / Moderate Adverse 1
Medium / Moderate to Major Adverse 1
Medium to High / Moderate to Major Adverse 2
High / Major Adverse 2

Year 15:

Nil / No Effect 4
Negligible / Negligible 5
Negligible to Low / Minor Adverse 3
Negligible to Low / Minor to Moderate Adverse 1
Low / Negligible to Minor Adverse 1
Low / Minor Adverse 1
Medium / Moderate Adverse 2
Medium to High / Moderate to Major Adverse 3

Whilst there would clearly be some adverse impacts both during and immediately following construction of the development, it is considered that, having regard to the scale of development and the need for the Local Planning Authority to permit developments of significant scale to continue to meet its ongoing housing land supply obligations and the overall position in respect of the site's sustainable development credentials, the impacts would not be considered to be unacceptably severe.

Insofar as the most severe landscape and visual impacts are concerned, however, these include the effects at the following receptors:

Properties at Forest Road:

This is a high sensitivity receptor which would, in terms of magnitude / significance, experience Medium / Moderate to Major Adverse effects during construction and Medium / Moderate Adverse effects at Year 1, but these would be reduced to Medium to Low / Minor Adverse by Year 15.

Public Right of Way north east of Hugglescote:

This is a high sensitivity receptor which would, in terms of magnitude / significance, experience High / Major Adverse effects during construction and at Year 1, but these would be reduced to Medium to High / Moderate to Major Adverse by Year 15.

Properties at Hugglescote (east):

This is a high sensitivity receptor which would, in terms of magnitude / significance, experience Medium / Moderate to Major Adverse effects during construction and at Year 1, but these would be reduced to Medium / Moderate Adverse by Year 15.

Grange Road:

This is a medium sensitivity receptor which would, in terms of magnitude / significance, experience Medium / Moderate Adverse effects during construction and Medium to High / Moderate to Major Adverse effects at Year 1, but these would be reduced to Medium / Moderate Adverse by Year 15.

Public Right of Way between Grange Road and Beveridge Lane:

This is a high sensitivity receptor which would, in terms of magnitude / significance, experience High / Major Adverse effects during construction and at Year 1, but these would be reduced to Medium to High / Moderate to Major Adverse by Year 15.

Beveridge Lane:

This is a medium sensitivity receptor which would, in terms of magnitude / significance, experience Medium / Moderate Adverse effects during construction and Medium to High / Moderate to Major Adverse effects at Year 1; these effects would remain at Medium to High / Moderate to Major Adverse by Year 15.

Clearly, the adverse landscape and visual impacts on these receptors would be undesirable, and these negative impacts need to be considered in the wider context of the proposed development's performance against the requirement to constitute sustainable development as set out in the NPPF and, in particular, its environmental dimension. However, when assessed in the overall balance of sustainable development, it is considered that, having regard to the overall limited adverse landscape and visual impacts, and the other benefits of the scheme in terms of other aspects of sustainable development, the impacts of these adverse landscape and visual impacts as identified in the Environmental Statement would not be so unacceptable as to indicate that planning permission should not be granted.

The application is also accompanied by arboricultural supporting information, including an Arboricultural Assessment assessing the condition of and implications upon a total of 214 individual trees and 65 groups of trees throughout the application site; none of the trees within the site are subject to a Tree Preservation Order (TPO). Whilst the application is in outline form at this time, the Arboricultural Assessment considers the likely implications on trees in the event that the development were undertaken along the lines of the submitted illustrative masterplan, and including the impacts from, for example, the proposed new access roads. The most extensive areas of tree removal are indicated as being towards the south western part of the site, in the vicinity of the former South Leicester Disposal Point, although it is noted that these are in any event identified as falling within Retention Category C (i.e. trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm). A further area of significant tree loss in the event the scheme were to take the form as shown on the submitted illustrative masterplan would be in the area of the vehicular link connecting the north western area of the site with land to the east (i.e. connecting the two parts of the H4g Local Plan allocation), and impacting upon sections of two groups following the former railway lines crossing the site (and within Retention Categories A and B); limited tree loss would occur in association with other proposed connections (and including those in respect of the proposed links to Forest Road). The Arboricultural Assessment suggests that the alignment of roads has been designed to minimise the tree losses and, where tree removals are necessary, the scheme has been designed so as to restrict the loss where possible to low quality specimens. The Arboricultural Assessment states that any development proposals of this scale are likely to require the removal of some trees due to the necessary infrastructure required, (including roads and drainage) and the necessity for the site to be viable for any prospective construction companies. The Arboricultural Assessment suggests that the removals required to accommodate the illustrative proposals would not be detrimental to the tree stock of

the area as a whole and, when taking into account proposed new planting, the tree stock in the area would be improved. The Arboricultural Assessment's conclusions in this regard are accepted in that it is considered that, were the scheme proposed at the reserved matters stage to be of the nature of the illustrative proposals, the overall impacts in terms of loss of trees would not, on balance, be unacceptable. No objections are raised by the District Council's Tree Officer in principle, although attention is drawn to the need to maintain aged or veteran trees, and the potential impacts in this regard are highlighted on the basis of the illustrative submissions. However, given that the application is in outline only at this stage, the detailed arboricultural implications would be a matter to be addressed in more detail as part of the reserved matters submissions and, in principle, there appears to be no reason why development of the site would necessarily result in unacceptable loss of vegetation.

Overall, it is accepted that, whilst a site of considerable size, by virtue of the topography of the surrounding area, it is not particularly visible from further afield, thus assisting in limiting the visual impact of the proposed development. When taking this into account, together with the proposed mitigation, it is considered that the landscape and visual effects of the proposed development would be acceptable.

Ecology and Biodiversity

The submitted Environmental Statement includes a detailed assessment of the ecological implications of the proposed development on various receptors of ecological value. In addition to the anticipated impacts, mitigation measures are also proposed.

Insofar as relevant Local Plan policies are concerned, it is noted that part of the site is designated as a District level site of ecological importance under Policy E26; this states that development will not be permitted which could adversely affect sites of County and District ecological or geological interest, or Local Nature Reserves.

Insofar as statutory designated sites are concerned, the Environmental Statement provides that there are no statutory designated sites within the site boundary, but that within 5km of the site there are 16 statutory designated sites, comprising four Country Parks, three Local Nature Reserves and nine Sites of Special Scientific Interest (SSSIs), the closest being the Donington le Heath and Snibston Country Parks, and the Bardon Hill Quarry SSSI; three of the statutory sites are located within 1km of the application site.

There are also no designated Local Wildlife Sites within 1km of the site, although several of the hedges in the local area (including a number of hedges within and bordering the site) are of Parish level nature conservation value and there are four potential Local Wildlife Sites within the site itself.

Insofar as assessing the nature conservation value of the site is concerned, having regard to its scale, the Environmental Statement assesses the value of each ecological receptor on a site by site basis, (both in terms of designated sites and protected species).

In terms of the various ecological features / habitat identified, the Environmental Statement provides that the supports semi-natural habitats including:

- Semi-natural wet-woodland
- Secondary woodland and thorn scrub (including Bramble scrub)
- Hedgerows and standard trees, including some species-rich field and road hedgerows;
- Species-rich unimproved mesotrophic grassland
- Wetter marshy grassland (mainly along the River Sence)

- Rough mesotrophic grassland
- The River Sence, ditches and ponds
- Swamp habitat
- Ruderal and tall-herb vegetation
- Bare ground with scattered vegetation associated with the coal spoil heaps
- Improved agricultural grassland and arable fields
- Neutral grassland

Of the habitats identified, the Environmental Statement suggests that the most important of these are the wet-woodland, secondary woodland along the dismantled railway, species-rich neutral grassland in fields adjacent to the dismantled railway and wetter grassland mainly along the River Sence.

Insofar as wildlife baseline conditions are concerned, the following findings are set out within the Environmental Statement:

Badger:

No active setts have been identified on the site but, as badgers are known to be present in the area, a further survey is recommended to ascertain whether any new setts have been built since the surveys. The Environmental Statement also suggests that the proposed habitat creation works would result in new Badger foraging areas and cover suitable for sett excavation.

Bats:

In terms of roosting, the Environmental Statement suggests that three buildings were found to contain evidence of use by roosting bats in the form of small numbers of bat droppings, and a further three buildings were considered suitable. The Environmental Statement states that surveys recorded only Common Pipistrelle bats and the activity throughout each night was sparse. Insofar as foraging is concerned, much of the habitat on site, (and, in particular, around the building groups, hedgerows, groups of trees and the river corridor) was found to be of potentially moderate value for commuting and foraging bats. Subsequent to the submission of the original Environmental Statement, an emergence survey has also now been undertaken.

Breeding Birds:

The Environmental Statement suggests that the site's breeding bird assemblage is typical of an area of mixed habitats in the midland lowland counties and that the species recorded of conservation concern were recorded in relatively low numbers and are of local significance.

Great Crested Newts:

Great Crested Newts were identified in four ponds, and the counts indicate a "medium" population in two of the ponds and a "small" population in the others.

Reptiles:

The surveys undertaken indicate a very low population of reptiles, including low populations of common lizard and grass snake.

Otter:

A single otter spraint was identified.

Others:

No evidence of water vole or white-clawed crayfish was identified.

In terms of effects upon the site, and taking into account proposed mitigation, the Environmental

Statement states that the main potential significant negative effect arising at a local level during the construction phase is the loss of habitat forming part of the Ellistown Tip and Railway Triangle candidate Local Wildlife Site. The Environmental Statement indicates that, although most of the areas which would be lost are bare ground with scattered vegetation, small areas of scrub and secondary woodland as well as rough grassland may be affected. In terms of site level impacts, the main significant negative effects are identified as land take (for roads / pedestrian routes etc), fragmentation of hedgerows, increased noise and lighting and an increase in the number of local residents using the non-statutory locally designated sites (i.e. potentially causing additional disturbance to wildlife and damage to habitats), loss of small areas of rough grassland, loss of commuting and foraging habitat for bats, loss of commuting, foraging and hibernation habitat for Great Crested Newts and potential severance to a range of riparian species including Otter due to pedestrian and cycle links.

Some positive impacts are also identified, including the treatment and removal of Japanese Knotweed from the site, preventing its spread into the botanically rich areas of habitat; and the creation of ponds and swales would, the Environmental Statement suggests, provide an additional pond resource on site and would for example provide additional Great Crested Newt breeding locations. It is also proposed to implement a Habitat Management Plan to ensure that the habitat retained and created would provide maximum biodiversity benefits in the long-term.

Natural England and the County Ecologist have been consulted in respect of the application and raise no objections subject to conditions. Natural England's advice primarily relates to green infrastructure potential, habitat creation and biodiversity enhancements, to which no objections are raised in respect of the proposals. Insofar as the County Ecologist is concerned, detailed comments in respect of the submitted documents (and subsequent supplementary supporting information) have been provided. In summary, and following liaison with the applicants' ecological consultants, the County Ecologist advises that, whilst not all of the findings of the Environmental Statement are necessarily concurred with, in the light of the findings of the additional survey work requested, the proposals are acceptable subject to conditions. The conditions recommended to be imposed include requirements for additional surveys and securing of the range of mitigation (including habitat management) measures forming part of the applicants' proposals.

It is noted that, whilst in outline, the Development Framework plan indicates that the proposals would be likely to lead to the redevelopment of much of the area identified under Local Policy E26. However, given the overall findings above, the existing condition of much of this Policy E26 area, and the overall contribution to biodiversity accruing from the proposals, it is considered that unacceptable harm to the identified Policy E26 site would not arise.

Under Regulation 53 of the Habitat Regulations 2010, activities which would otherwise contravene the strict protection regime offered to European Protected Species under Regulation 41 can only be permitted where it has been shown that the following three tests have been met:

- The activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- The favourable conservation status of the species in question must be maintained.

Whilst these tests would need to be applied by Natural England at the appropriate time in respect of any required licence submission, it is nevertheless considered appropriate to also have regard to them at this stage in respect of the planning process. In this case, it is considered that the tests would be met as (i) for the reasons set out under Principle of Development above, it is considered that the site needs to be released for the proper operation

of the planning system in the public interest; (ii) the works affecting the protected species would be necessary to enable the development to proceed in a logical / efficient manner; and (iii) the proposed mitigation measures would satisfactorily maintain the relevant species' status.

Subject to the imposition of suitably-worded conditions / Section 106 obligations (and including in respect of the proposed habitat management plan) therefore, the submitted scheme is considered acceptable in ecological terms, and would provide suitable mitigation for the habitat affected, as well as appropriate measures for biodiversity enhancement.

Historic Environment

The submitted Environmental Statement includes a detailed assessment of the archaeology and historic environment implications of the proposed development. The Environmental Statement indicates that the site itself does not contain any scheduled monuments, listed buildings or Conservation Areas, but there are Grade II and Grade II* listed buildings in the vicinity (including properties on Dennis Street, and the Church of St John the Baptist). The nearest Conservation Areas are at Donington le Heath and Coalville, and the nearest scheduled monuments at Snibston Colliery, Warren Hills, Kellam's Farm and Whitwick Castle. For those designated assets assessed, the Environmental Statement concludes that the development would have no more than an indirect negligible adverse impact; this conclusion is accepted.

In terms of non-designated heritage assets, a number of sites (including those of archaeological interest) are considered in the Environmental Statement, with the potential impacts on those assessed. In terms of these impacts, the Environmental Statement identifies a direct major adverse impact at a range of features, including Hugglescote Grange and a site containing potential prehistoric archaeological remains (including flint tools) and a dammed area east of Hugglescote Grange, the importance of which (as sites) is classified as "medium". Direct major adverse impacts are also predicted on a number of other non-designated heritage assets, but these are indicated as having a low or negligible level of importance as features.

The Environmental Statement provides that a total of 18 cultural heritage and archaeological assets would be impacted upon by the proposed development the unmitigated impact of which would vary from Neutral / Slight Negative to Moderate Large Negative. In terms of mitigation, the Environmental Statement provides that this would take the form of a post-determination field walking exercise, followed by a targeted archaeological evaluation and, depending on the results, a combination of archaeological excavation and / or an archaeological watching brief, to be followed by analysis of the findings and publication and dissemination of the results in line with archaeological practice. This, the Environmental Statement suggests, would have the effect of reducing the impact to a range from Neutral to Moderate Negative. The Environmental Statement suggests that the recording of archaeological and cultural heritage assets and the advancement of understanding would compensate for the loss of any assets and, insofar as the majority of the site is concerned, the recording of any potential archaeological and cultural heritage assets that may be present would lead to a residual adverse effect that would be Slight / Neutral.

Further to the originally submitted Environmental Statement, the County Archaeologist raised a number of concerns regarding the potential impacts on the archaeological interest of the area around Upper Grange Farm, given its interest and likely former use as a grange in the medieval period. In particular, concerns were raised regarding the impact on the remaining earthworks and former fish farming ponds; whilst some of these features were shown as being retained as part of the proposed public open space in this part of the site, others were not and the County Archaeologist was of the view that, if those retained were retained in isolation, they would have

maintained limited legibility (i.e. in terms of making it clear what the features' historical functions had been). Following the submission of the Environmental Statement addendum and associated amended Development Framework plan, this area of the site has been reconfigured (and including its associated SUDs features). Paragraph 135 of the NPPF provides that "In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". At the time of preparing this report, whilst the final, updated views of the County Archaeologist were awaited, he had indicated that he was minded to recommend approval subject to conditions based on the work put in to the design side of the scheme, and was content with the treatment of the buried archaeology, expecting a staged programme of mitigation commencing where necessary with an initial stage of trenching, but otherwise moving toward targeted mitigation by excavation; any formal comments subsequently received will, however, be reported on the Update Sheet. Subject to final confirmation of the County Archaeologist being satisfied, therefore, it would appear that the amended details address to a reasonable extent the concerns previously expressed and that, on balance, the illustrative scheme as proposed on the submitted amended Development Framework plan would represent a reasonable compromise in terms of the appropriate protection of these heritage features, and would, therefore, accord with the approach to determination as set out in the NPPF.

Overall, in respect of heritage issues, whilst still outline, there would appear to be no overriding reason why the proposed development could not be designed in a manner so as to maximise retention of features of interest and, on this basis, is considered acceptable in heritage terms, subject to appropriate layout solutions being proposed at the reserved matters stage(s).

Means of Access, Highways and Transportation Issues

As set out in the introduction above, the application is in outline with all matters reserved. However, and as set out under Proposals and Background above, the submitted Development Framework plan indicates a range of accesses into the site, including vehicular accesses from Grange Road, Wainwright Way, Beveridge Lane and Forest Road. The Development Framework plan also includes a network of routes within the site (and including for its connection to the eastern part of the Proposal H4g land (i.e. that section subject to planning permission ref. 12/00376/OUTM)).

The submitted Environmental Statement (and addendum, reflecting the proposed introduction of the second Forest Road access (at no. 104 Forest Road)) includes consideration of transportation issues, and incorporates a Transport Assessment and Travel Plan. Whilst access is a reserved matter, the Environmental Statement nevertheless indicates that the development would include the following measures:

- New footways and shared footways / cycleways throughout the site to tie into the existing and new facilities surrounding the site, including the public rights of way
- New bus stops within the site
- Two new site access roundabouts on Beveridge Lane
- Amendments to Grange Road to provide access into the development site, including two new priority controlled ghost island junctions, a new roundabout access junction, and the introduction of a ghost island facility at the existing Grange Road / Wainwright Road junction
- A financial contribution through the Section 106 agreement towards infrastructure improvement schemes (i.e. in accordance with the District Council's transportation infrastructure contributions strategy)
- Improvements at the Ellistown double mini-roundabout to increase junction capacity
- Travel Plan measures for residents to encourage travel to and from the site by

sustainable modes of transport, including the provision of two free six month bus passes per household

Local Highway Network

As set out in the summary of representations above, the County Highway Authority has not raised objection to the application, subject to conditions and a range of planning obligations. Its views are set out in more detail below.

The County Highway Authority has reviewed the submitted Transport Assessment and supplementary information and confirms that it is content with the conclusions drawn from these documents. In terms of the Transport Assessment, the County Highway Authority advises that it has been prepared following extensive discussions with the County Highway Authority at pre-application stage. Whilst, with proposals of this scale, the County Council advises that it would normally require the proposals to be tested through the Leicester and Leicestershire Integrated Transport Model (LLITM), given that extensive testing had already been undertaken for the site as part of the earlier Core Strategy work in association with the District Council, the County Council confirms it has been content to accept a LLITM-based distribution to determine the impact of the proposed development, and that an assessment year of 2031 was agreed with the County Council. The County Highway Authority clarifies, however, that the LLITM work undertaken to form the basis of the development distribution has taken into account the delivery of the Bardon Link Road (also known as the "punch through"), which is considered to be committed infrastructure as it is associated with a Grampian condition on a committed development; this is a reference to the outline planning permission granted for the erection of, amongst others, 800 dwellings on the site to the north of Grange Road (12/00376/OUTM) which is subject to a condition preventing the occupation of more than 600 of those dwellings until such time as a link connecting that site to Bardon Road / Stephenson Way has been provided.

Junction Capacity:

The County Highway Authority notes that the Transport Assessment has tested the impact of the development, as well as committed development and background growth, at 11 junctions in and around Coalville, and at Junctions 22 and 13 of the M1 and A42 respectively for a 2031 assessment year. The starting point for testing has been the improvement schemes identified through the earlier Coalville Transport Study, which forms the basis of the District Council's transportation infrastructure contributions strategy. The County Council accepts that the applicants' transport consultants have demonstrated that development traffic and future growth can be accommodated within the improvement schemes, and notes that, where appropriate, alternative schemes have also been identified by the applicants' consultants given the benefit of additional information since the Coalville Transport Study was undertaken. The County Highway Authority makes clear, however, that improvement schemes identified in the Coalville Transport Study or by the applicants' consultants are not definitive, but are, rather, indicative of potential measures which would be an appropriate form of mitigation. In addition to the schemes identified through the District Council's transportation infrastructure contributions strategy, improvements are also proposed at the Beveridge Lane / Midland Road / Ibstock Road / Whitehill Road junction (the Ellistown double mini-roundabout).

Insofar as the various junctions considered are concerned, the County Highway Authority's advice is as set out below. The County Highway Authority caveats its advice, however, in that it notes that congestion levels and any forecasts are made in the context of the wider planning application situation at the time of assessment and are, therefore, likely to change.

M1 Junction 22:

The impact of development has been demonstrated to be material. The recent Leicester and Leicestershire Growth Deal announcement has secured funding to enable improvements at this junction to be delivered in 2015/2016. The CHA [County Highway Authority] therefore does not have any concerns over the junction impact in advance of the improvement works, which will now be delivered in the short term.

A42 Junction 13:

The impact of development has been demonstrated to be material. The recent Leicester and Leicestershire Growth Deal announcement has secured funding to enable improvements at this junction to be delivered in 2016/2017. The CHA therefore does not have any concerns over the junction impact in advance of the improvement works, which will now be delivered in the short term.

A511 Flying Horse roundabout (A511 / B591):

The impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. Analysis undertaken in the current planning application context suggests that the junction will be operating over capacity in 2022.

A511 Stardust roundabout (A511 / Beveridge Lane):

The impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. Analysis undertaken in the current planning application context suggests that the junction will be operating over capacity in 2030.

A511 Birch Tree roundabout (A511 / Grange Road):

The impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. Analysis undertaken in the current planning application context suggests that the junction will be operating over capacity in 2023.

A511 Bardon Road/Stephenson Way roundabout:

The impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. Analysis undertaken in the current planning application context suggests that the junction will be operating over capacity in 2022. It should be noted that with the delivery of the Bardon Link Road, which also forms part of the NWLDC Contribution Strategy list of schemes, the Bardon Road/Stephenson Way roundabout will be replaced by a four-arm junction arrangement.

A511 Broom Leys crossroads:

The Broom Leys crossroads is already operating at capacity and the impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'.

A511 Whitwick Road roundabout:

The A511 Whitwick Road roundabout is already operating at over capacity and the impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive

mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'.

A511 Thornborough Road roundabout:

The A511 Thornborough Road roundabout is already operating at over capacity and the impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'.

A511 Hoo Ash roundabout (A511 / Swannington Road):

The A511 Hoo Ash roundabout is already operating at over capacity and the impact of development has been demonstrated to be material. As a junction covered within the North West Leicestershire District Council Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'.

Hugglescote Crossroads:

Hugglescote crossroads [is] already operating at over capacity and the impact of development has been demonstrated to be material. As a junction covered within the NWLDC Contribution Strategy, the CHA recommends that contributions are sought for a comprehensive mitigation scheme. In the context of the NWLDC Contribution Strategy, the CHA is content with contributions for improvements under a case of 'short term pain for long term gain'. It should be noted that the CHA is currently developing a scheme for delivery in the short term and that until such a scheme is delivered, the first phase of the Bardon Link Road will be a critical point in managing congestion at Hugglescote crossroads. [In this context, it is noted that a report was considered by Leicestershire County Council's Cabinet on 19 November 2014 where it was reported that Hugglescote Crossroads experiences congestion at peak times and that additional traffic, as the result of both background and housing development growth, are expected to increase this congestion and significantly impact upon journey times. A number of potential options for the reconfiguration of the junction were considered by the County Council's Cabinet, and it was resolved to undertake consultation on options for a potential improvement scheme with a view to reporting the outcome of the consultation to Cabinet in the summer of 2015.]

Ellistown double mini-roundabout:

Ellistown double mini-roundabout is already operating at over capacity and the impact of development has been demonstrated to be material. As improvements to this junction are considered to be a localised effect of this particular development proposal, mitigation is recommended to be sought over those already secured under the Contribution Strategy. The development framework and the location of the Ellistown double mini-roundabout in relation to the Application site means that the impacts at the junction are unlikely to be significantly and materially felt until the southern section of the site is developed. Given the likely build-out time frame the CHA considers it to be more appropriate to condition the development of the portion of the site closest to the Ellistown double mini-roundabout rather than seeking contributions towards a scheme which is unlikely to materialise for several years, during which the planning context, and the required scheme, may change.

Beveridge Lane / Reg's Way roundabout:

The TA [Transport Assessment] has demonstrated that the Beveridge Lane / Reg's Way roundabout will continue to operate within capacity with the development and in future assessment years. Therefore, no mitigation is required by the CHA.

Transportation Infrastructure Contributions Strategy and Prioritisation of Schemes

As set out above, and in accordance with the approach set out under the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, it is the applicants' intention to provide for mitigation of the development on the wider highway network by way of making an appropriate contribution towards the District Council's transportation infrastructure contributions strategy.

On 15 January 2013, the District Council's Cabinet considered a report relating to Delivering Growth and Prosperity in Coalville which set out proposals to prioritise highways infrastructure contributions in Coalville above affordable housing contributions given the need for significant transportation infrastructure to be provided so as to enable otherwise stalled development to be delivered. Cabinet resolved to (i) agree to the preparation and consultation of an interim Section 106 policy which establishes the approach towards prioritising highway infrastructure contributions in Coalville, which will be reported back to cabinet after the consultation exercise; (ii) agree that for major developments in Coalville, the Planning Committee be asked to consider the emerging policy through Section 106 agreements; and (iii) to recommend that Planning Committee, where appropriate, prioritise the requirement for highways infrastructure contributions in Coalville above affordable housing contributions where such contributions are necessary, in accordance with the emerging policy proposals. The District Council consulted on a draft policy between 22 February 2013 and 5 April 2013 and, following the conclusion of that consultation, reported back to Cabinet on 11 June 2013. At that meeting, Cabinet resolved to approve the policy. The report to Cabinet of 15 January 2013 included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute (and as referred to above by the County Highway Authority in its comments on the identification of schemes, and including those set out within the Coalville Transport Study); based on the figures available at that time, the calculations provided to Cabinet suggested a potential contribution of between £4,419 and £4,884 per dwelling. In this case, the applicants propose to make a contribution of £12,960,000 (which, for the purposes of comparing with the potential range of contributions as set out in the Cabinet report, equates to £4,800 per dwelling). Given the approach above, the view is taken that, should any contributions not subsequently be necessary / used for transportation infrastructure improvements, the remaining monies should be directed towards additional affordable housing; attention is also drawn to the subsequent discussion of this issue under Developer Contributions and Development Viability below.

In terms of the priority for the use of this contribution towards transportation infrastructure, Leicestershire County Council recommends that contributions to be put towards improvement schemes in the following order:

- M1 Junction 22
- A42 Junction 13
- Broom Leys crossroads
- A511 Hoo Ash roundabout
- A511 Whitwick Road roundabout
- A511 Thornborough Road roundabout
- Hugglescote Crossroads
- Bardon Link Road (and including improvements to the Bardon Road / Stephenson Way junction)
- A511 Flying Horse roundabout
- A511 Birch Tree roundabout

- A511 Stardust roundabout

In terms of the ability of the contribution to be paid in respect of this particular application, the County Highway Authority advises that, based on whole cost estimates undertaken by the County Council, it is envisaged that the following improvements could be funded in full by the contributions received in respect of this application:

- Broom Leys crossroads
- A511 Hoo Ash roundabout
- A511 Whitwick Road roundabout
- A511 Thornborough Road roundabout
- Hugglescote Crossroads

Contributions could also, the County Council suggests, be put towards the next item on the list (i.e. the Bardon Link Road). [NB This list is based upon the applicants' earlier proposal to make a transportation contribution of £13,500,000; as discussed in more detail under Developer Contributions and Development Viability below, an updated viability assessment has recently been submitted by the applicant incorporating a reconfigured distribution of funding designed to allow for increased affordable housing contributions. Clearly a reduction in the sum allocated to transportation would enable the delivery of less extensive mitigation measures in this regard but, given the limited overall level of resources available, consideration needs to be given to how best to balance that whilst still ensuring that the Local Planning Authority remains satisfied that the development, overall, is sustainable. Whilst, ideally, increased funds would be available for transportation infrastructure so as to cover all potential mitigation measures, an appropriate balance needs to be reached between this and other expense, whilst seeking to ensure that the development remains both viable and sustainable.]

The County Highway Authority points out that in practice, of course, traffic impacts from other developments will also influence the operation of the affected junctions, and contributions from other developments in the area have also been (and continue to be) sought. Therefore, although the County Highway Authority makes the above recommendations for the allocation of funds in relation to this specific development, there will, the County Council notes, nevertheless be impacts elsewhere which, cumulatively, need to be addressed. In accordance with the approach suggested by the applicants, and as contributions from this development will be sought in a phased manner, they should, the County Council considers, be directed towards whichever undelivered scheme is considered to be of the highest priority at the time of payment, having regard to which other developments which are likely to be delivered. In this regard it is considered that the relevant Section 106 obligations need to be framed in such a way so as to ensure that a flexible mechanism of allocating contributions can be achieved whilst meeting the tests of the Community Infrastructure Levy (CIL) Regulations 2010. The applicants' legal advisors are content that the approach suggested would meet the relevant legislative requirements, and it is noted that this is similar to approaches used recently elsewhere in respect of Section 106 agreements entered into in the Coalville area. On this basis, officers are satisfied at this time that the relevant CIL tests would be met, although the continuing advice and input of the District Council's Legal Team would be provided as any Section 106 agreement was progressed.

Overall in terms of the impacts on the wider highway network (and, in particular, on affected junctions within the Coalville area), it is accepted that the means of mitigation proposed (i.e. contributions towards the District Council's transportation infrastructure contributions strategy) would provide for a reasonable and proportionate means of enabling the County Highway Authority to address impacts associated with this scheme (along with other developments in the area) in accordance with an identified, comprehensive, priority hierarchy which, otherwise, is

unlikely to be achievable (particularly given the cumulative impacts of this and other developments) in isolation. Subject to the payment of the contribution proposed, therefore, the proposals are considered acceptable in this regard.

By virtue of the process of identifying an order of priority for improvements, it is inevitable that some mitigation projects will be delivered later than others. Insofar as this issue is concerned, and whilst they are content for the County Highway Authority to identify what it considers is the most appropriate order of improvement delivery, the applicants have undertaken sensitivity analysis assessing the likely impacts in the event that the Bardon Link Road / "punch through" is not delivered at an early point in the process. In brief, this indicates that, in practice, and when having regard to certain other assumptions including the provision of the indicated access at no. 104 Forest Road, the whole of the development currently proposed could be delivered in highway capacity and connectivity terms without requiring the provision of the Bardon Link Road. Having said this, however, the County Highway Authority has assessed the application (and prepared its priority list of mitigation measures) on the basis of the submitted Transport Assessment and Environmental Statement which assume the Bardon Link Road would be provided. As such, it is considered appropriate, at this stage, for the Bardon Link Road to be included on the list of mitigation measures, albeit its position on the hierarchy may need to reflect the stage at which it is delivered having regard to, not only this development, but also others similarly contributing to it through the District Council's transportation infrastructure contributions strategy. In addition, and particularly given the long build programme for a development of this scale, it would seem likely that, over that period, the County Highway Authority will continue to review and reassess what transportation mitigation measures are required to address traffic growth in the town. In such circumstances, it is conceivable that, over this period, further testing may indicate that alternative measures to those listed above (and, in particular, those currently identified as being of lower priority) would be more appropriate. If this were to be the case, then there is potential for specific projects (and including, for example, the Bardon Link Road) to be revisited in the future as to their continuing appropriateness. However, at this stage, the view is taken that the priority of mitigation measures identified would be the most appropriate, although the drafting of the Section 106 agreement in a flexible manner would enable Leicestershire County Council to keep such matters under review, and to direct funding spent in the future towards mitigation of what, at that time, was considered to be the most pressing issue.

Site Access (including Internal Layout)

As noted above, access (which, under the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) includes "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network") is a reserved matter. Nevertheless, the County Highway Authority notes that the submitted Transport Assessment has considered this matter and, on the basis of its conclusions, the County Highway Authority is content that the applicants have demonstrated that, in principle, an acceptable form of access would be achievable at the reserved matters stage(s).

In addition, however, and notwithstanding the above position, Leicestershire County Council considers that, in the interest of accessibility and connectivity to the town centre (and to support public transport penetration through the site), vehicular access is required at the following locations:

- Forest Road
- Bardon Link Road
- Grange Road

- Beveridge Lane

Whilst this position is noted, it is not, at this stage, considered by officers that linkages at all of the above locations would necessarily be required. It is agreed that it will be absolutely necessary for any reserved matters scheme to demonstrate that appropriate accessibility and connectivity to the town centre would be provided by the means of access proposed and, similarly, it is also concurred that, in order to ensure the development is sustainable, good public transport links to all residents (and connecting to the proposed non-residential uses, as appropriate) are essential (and, in practice, particularly having regard to the scale of the site, this will inevitably mean that the proposed means of access will need to be suitably designed and located so as to allow appropriate public transport penetration through the site).

Notwithstanding its position on the necessity of the access points listed, however, the County Highway Authority nevertheless accepts that it is not the case that alternative access proposals would not necessarily also be acceptable, although advises that reconsideration of the development distribution, and hence its impact on junction capacity and connectivity, would need to be undertaken if the site access locations were altered in principle. This, the County Council advises, is because the LLITM derived distributions for the development has assumed accesses at the locations listed above and any changes to the access proposals may result in strategic and significant changes to the distribution which are only likely to be identified through re-testing in LLITM. As such, the view is taken that whilst, on the basis of the submitted information, and the assumptions made in running the LLITM model, access points in the locations listed above would appear to be required, access is nevertheless a reserved matter and, subject to any alternative proposals put forward at the reserved matters stage being tested robustly, alternative options could, potentially, also be considered (albeit subject to consideration of any implications under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011). In recognition that reserved matters approvals relating to this scheme will be of such significance, it is proposed now that any subsequent reserved matters application would be determined by Planning Committee rather than a delegated decision.

Insofar as the County Highway Authority's comments on the indicative internal layout are concerned, the County Council considers that, whilst the internal layout would be addressed at the reserved matters stage, this is a material consideration in terms of providing accessibility and connectivity through the whole of the site. In particular, the County Highway Authority comments, a continuous link through all sections of the site would be critical in ensuring public transport penetration and accessibility to Coalville town centre. Without a continuous link, the County Council suggests, the development risks becoming a piecemeal collection of smaller development parcels and would be likely to result in additional vehicle movements on the wider network, which may have an unacceptable impact. The County Highway Authority highlights that the Transport Assessment has assessed a situation which assumes that development traffic will use the most appropriate access location based on the intended destination and the opportunity to do so can only be realised if a continuous link road through the site is provided. The County Highway Authority notes that the applicant has identified that land at no. 104 Forest Road could provide an additional point of access to the site, and the County Highway Authority indicates that it would be keen to see a public transport route through the site either via the Bardon Link Road or Forest Road. It is again accepted that these are valid concerns, and need to be appropriately addressed as part of the reserved matters submissions.

Public Transport

The supporting documents include a bus strategy which sets out proposals for enhanced bus service provision, and at different stages of the proposed development, having regard to what access points are delivered, and when. A range of measures are proposed, and including

having regard to measures proposed in respect of the site to the north of Grange Road (i.e. planning permission 12/00376/OUTM), and the recently permitted employment development scheme on land to the south of Beveridge Lane (13/00249/OUTM). The strategy indicates that all new residents would be within 400m walking distance of an hourly bus service; compliance with this requirement would, it is considered, be essential in ensuring the development constitutes sustainable development.

For its part, the County Highway Authority advises that it has reviewed the Public Transport Strategy and is content with the proposals put forward. The County Highway Authority expects that on site infrastructure would be delivered as part of the development and would be detailed in subsequent reserved matters applications. Bus stops are, the County Council advises, required to have a shelter, raised kerbs and associated infrastructure for real-time information. The County Council also notes that off-site improvements would be delivered as part of the District Council's transportation infrastructure contributions strategy.

Travel Plan

The County Highway Authority confirms that the submitted Framework Travel Plan has been reviewed and is considered acceptable. The County Council states that it expects that subsequent reserved matters applications will be supported by a plot specific Travel Plan, and that these will be appropriately scoped for residential and school purposes. Travel Plan contributions are sought by Leicestershire County Council under the current application for a Travel Plan Co-ordinator, iTrace monitoring fees, travel packs and bus passes.

Transportation Contributions

Having regard to the above, the mitigation proposals required by the County Highway Authority (and sought as Section 106 contributions) are as follows:

- A Construction Traffic Routeing Agreement to be submitted to and approved in writing by Leicestershire County Council
- One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (which can be provided through Leicestershire County Council at a cost of £52.85 per pack per dwelling if required)
- Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation (which can be provided through Leicestershire County Council at a cost of £350.00 per pass if required)
- Appointment of a Travel Plan Co-ordinator for a period to 5 years after completion of the development to ensure effective implementation and monitoring of the site wide Travel Plan submitted in support of the planning application;
- A contribution of £11,3370 towards iTrace monitoring (transportation monitoring software for monitoring the effectiveness, cumulatively, of Travel Plans)
- A contribution towards improvements to the wider highway network in Coalville as considered appropriate by North West Leicestershire District Council (i.e. in accordance with the District Council's contribution strategy)
- Phasing and Review Programme

It is accepted that the range of contributions sought would meet the relevant CIL Regulations and NPPF tests. Insofar as the final item above (Phasing and Review Programme) is concerned, the County Highway Authority seeks the imposition of planning obligations requiring submission of a Phasing and Review Programme at 500 dwelling intervals, and assessing items such as site access, major internal infrastructure, scope and timescale for the implementation of off-site highway infrastructure, delivery of public transport services and procedures for

addressing any required stopping up, diversion or re-classification of Public rights of way. It may be the case that some of these matters will be addressed by way of the various reserved matters proposals but, nevertheless, and given the scale and likely build programme of the proposed development, it is considered appropriate that some form of mechanism allowing for ongoing review be secured, and subject to the detailed advice of the District Council's legal advisors through the Section 106 drafting process. It is also considered that, as set out within the recommendation below, a condition should be imposed requiring the approval of a vehicular access strategy as part of the first reserved matters application. The applicants suggest that this matter could be addressed by way of planning condition rather than obligation. As matters stand, having regard to the range of issues proposed to be covered (and their relationship to other legislation), and the potential requirement for review and mitigation (and the as yet unknown aspects of what measures may be necessary), it is officers view that an obligation would be the more appropriate mechanism. However, should the District Council's legal advisors take the view during the Section 106 drafting process that a condition would be acceptable, it is recommended that appropriate changes to finalised conditions / obligations be made as applicable.

Strategic Highway Network

As referred to by Leicestershire County Council under the assessment of the impacts on the local highway network above, the proposals are considered to impact upon the strategic highway network as well and, in particular, upon Junctions 22 and 13 of the M1 and A42 respectively.

The application has been assessed by the Highways Agency; the Agency comments that, without the required infrastructure schemes being in place, this development would give rise to unsatisfactory impacts on the Strategic Road Network. However, further to the announcement on the Leicester and Leicestershire LEP Growth Deal 2014 and the consequent expectations for scheme delivery at M1 Junction 22 and A42 Junction 13 by Leicestershire County Council, the Agency is content that there is a commitment to the delivery of improvements at these junctions by the County Council using Growth Deal funding. The Highways Agency therefore raises no objection to the proposals, although expresses its expectation that the mitigation measures should be secured having regard to the provision of developer contributions through the District Council's transportation infrastructure contributions strategy.

As such, subject to the applicants contributing towards the necessary mitigation via the transportation infrastructure contributions strategy, the Highways Agency is satisfied that any impacts would be satisfactorily addressed. As set out above, it is expected that this mitigation would be delivered at an early stage, and this is reflected in the County Council's suggested priority order for mitigation.

Pedestrian and Cycle Routes and Public Rights of Way

In terms of the accessibility of the site generally, this is considered in more detail above under Principle of Development. Whilst not part of the access proposals submitted at this outline stage, the Development Framework plan indicates that non vehicular links to adjacent land and within the site would be anticipated at the reserved matters stage, and that the existing lines of various rights of way could be affected, including footpaths N50, N52, N53, N54, N55, N56, N85 and N86. Whilst all means of access are reserved (and any accesses, vehicular or pedestrian, would therefore need to be subject to a reserved matters application(s)), it is considered that the information submitted indicates that, in principle, a suitable range of non-vehicular connections could be provided both within the site and connecting the various areas of development to

adjacent land. In terms of the various existing rights of way crossing the site, Leicestershire County Council's Rights of Way Officer has provided advice on the likely requirements of the County Council in terms of appropriate treatment of those routes (whether retained on their existing line, or diverted). At this outline stage, however, there appears no reason in principle why the development could not provide for appropriate alternative rights of way if the reserved matters proposals would necessitate the extinguishment / diversion of existing rights of way crossing the site. Should this be the case, any application to stop up / divert the affected rights of way would be likely to be dealt with by the District Council's Cultural Services Officer. As set out in DEFRA Circular 1/09 relating to rights of way, most outline planning applications do not contain sufficient information to enable the effect on any right of way to be assessed (and are not required to do so) and, as such, these issues are usually dealt with at the reserved matters stage. Nevertheless, and as set out above, there appears no reason in principle why a suitable solution could not be found at that time. Similarly, regard will also need to be given at the relevant reserved matters stage as to the amenity impacts on rights of way, whether retained on their existing lines or diverted.

Also relevant to this application are the provisions of Policy T14 of the adopted Local Plan. This policy presumes against development which would be likely to impair the continuity of disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors. The proposed development would, based on the Development Framework plan, appear to meet the requirements of this policy.

Railway Safety

In terms of impacts on the rail network, Network Rail raises no objection to the development in principle. However, it had, during the course of the application's consideration, flagged up potential issues arising from the proposed development on four existing level crossings, two vehicular (Hotel Street and Grange Road) and two pedestrian (the Bardon Hill No. 1 and No. 2 crossings, which relate to existing public footpaths crossing the railway). In terms of Hotel Street, Network Rail has suggested that the crossing be monitored after the development is implemented to ascertain any perceived increase in use and, if so, that mitigation (e.g. yellow box "Keep Clear" markings) be provided. Having regard to the fact that a Transport Assessment has been submitted in support of the application, it is considered that sufficient information has been provided to enable Network Rail to come to a view as to whether or not the additional traffic associated with the proposed development would have a material impact on local crossings (and, hence, whether any mitigation is necessary and ought to be requested). Insofar as the other crossings are concerned, Network Rail had identified that it is its long-term aspiration to secure the closure of these facilities and their replacement with subway / bridge crossings although, in the short-term, mitigation would in any event be required in respect of the Grange Road crossing. This mitigation would, it is considered, be appropriate in terms of the vehicular crossing implications of the development; no evidence has been provided to demonstrate that a more substantial form of crossing (i.e. a bridge) is necessary to Grange Road so as to mitigate the development (whether on its own or in combination with other Coalville area proposals).

For the pedestrian (public footpath) crossings, it is noted that one of the crossings (Bardon Hill No.1) is located to the north of the site the subject of planning permission 12/00376/OUTM and, whilst some increased use of the crossing as a result of this development could not be ruled out, any increased use is more likely to result from increased pedestrian journeys between properties on Bardon Road and the non-residential uses approved on the 12/00376/OUTM site, and these impacts are not, therefore, considered directly relevant to the application in hand.

Insofar as the public footpath crossing (Bardon Hill No. 2) to the eastern end of the application site (public footpath N54, connecting that part of the application site south of Grange Road with the Reg's Way industrial estate) is concerned, it is accepted that some increased usage of this right of way is likely as it would provide for a convenient pedestrian link between new dwellings on the site and the employment areas to the east. At present, this railway is located on an embankment, raised considerably over adjacent land levels, and provision of a footbridge to provide for a suitable alternative would, it is considered, be unlikely to be feasible having regard to existing levels. In order to try to establish the extent of any increased risk and the potential mitigation solutions available, the applicants have engaged specialist consultants who, using a Network Rail assumed increased number of users of 252 persons per day, calculate (using standard costings for increased risk) a justification for a safety spend of between £33,600 and £40,600. In terms of the associated costs of potential mitigation measures which could be employed at the crossing, these would include, for example, installation of miniature warning lights (£305,000), a footbridge [although, as set out above, this may be impractical in design terms] (£475,000 for stepped, £1,100,000 for ramped), and an underpass (£850,000). As such, the costs of any potential mitigation project would appear to outstrip by some margin the quantified risk "cost" likely to be associated with the development. Based on the above report, Network Rail accepts that there is no business case for the development to fund a crossing scheme. However, whilst Network Rail is of the view that the 252 persons per day figure may be exceeded in practice given the intentions of the applicants' Travel Plan to encourage journeys by foot, it advises that the appropriate safety spend would normally, over a 50 year period, be in the region of £80,000 based on the potential usage suggested.

Whilst the level of increased risk associated with the proposed development would not, therefore, appear to justify (in cost benefit terms) the implementation of a mitigation scheme in full, there would, nevertheless, appear to be, in planning terms, a potential rail safety impact which, whilst relatively modest in risk assessment terms, could justify a requirement for mitigation. A simple alternative for mitigating increased risk in the event that the development was permitted, would be to secure the closure of the crossing, but this would not, it is considered, assist in ensuring the scheme represented sustainable development given the adverse impacts on accessibility and amenity associated with the stopping up of the right of way. An alternative option which would appear to be open to Members would be to determine that the sum justified in safety terms (i.e. between £33,600 and £40,600) be allocated from the wider transportation infrastructure contribution strategy sum as part payment towards one of the crossing mitigation schemes referred to above. This would appear to be justifiable as a transportation infrastructure improvement insofar as it would, in effect, be contributing towards improved pedestrian linkages (although the applicants query whether such a contribution would be CIL compliant). However, in order to enable a scheme of mitigation to be implemented, significantly greater sums would need to be secured from other schemes which also increased use of the crossing and, on this basis, it would seem unlikely that additional funding necessary to secure any meaningful measures would be available within a reasonable timescale. On this basis, whilst officers would advise that this option is open to Members, it is not recommended that this approach be opted for. For its part, Network Rail suggests that a figure of £160,000 ought to be secured towards rail crossing improvements (although, it is noted, only half of this figure (i.e. £80,000) is identified as being required in association with this particular application's proposals). If this higher figure (i.e. £80,000) is favoured, that would increase the opportunity for pooled contributions to reach a figure sufficient to implement meaningful improvements but, in officers' view, the timescale concerns set out above would continue to apply. Alternatively, Network Rail suggests payment of contributions in the event that usage of level crossings increases significantly in the future, but this would appear difficult to frame given the need to quantify / monitor use.

Overall, therefore, whilst it would appear that some implications on rail safety would be likely and cannot be discounted, the increased risks would, when objectively assessed against cost benefit criteria, not appear to justify spending of sufficient funds to provide a complete scheme of safety improvements, although it would appear possible for the commensurate cost associated with the risk generated by the development to be secured as a future contribution towards improvements in association with other sources of funding if these ever became available.

Air Quality

The Environmental Statement assesses the impacts on nitrogen dioxide and particles associated with the development, including impacts arising from the construction works (and associated traffic) and from the additional traffic associated with the development once it is in use. It also includes consideration of the potential impacts on the Coalville Air Quality Management Area (AQMA), which is located in the vicinity of the junction between the A511 Stephenson Way and Broom Leys Road, approximately 0.5km from the closest part of the site. The Environmental Statement has been assessed by the District Council's Environmental Protection team.

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

The Environmental Statement considers likely air quality effects in two principal categories: impacts during the construction phase (including demolition, earthworks and "trackout" (i.e. transport of dust and dirt by construction vehicles)) - principally dust emissions, and impacts from road traffic during the operational phase (nitrogen dioxide and particulates). The impacts are considered in respect of a total of 21 receptors (14 existing and 7 proposed), and including two in the vicinity of the Coalville AQMA.

In terms of the construction phase, the Environmental Statement indicates that, having regard to the location, nature and scale of the development, the dust emission class of the demolition would be small, but large for the earthworks, construction and trackout. However, a range of mitigation measures are also proposed and, having regard to this mitigation, the overall impacts would be reduced. When taking the mitigation into account, the Environmental Statement suggests that the significance of the dust emissions during the construction phase would be negligible.

Insofar as the operational phase is concerned, the Environmental Statement considers the impacts on 13 existing sensitive receptors, as well as 7 proposed receptors (i.e. within the development itself). In terms of the nitrogen dioxide implications once the proposed development is operational, the predicted results in respect of the majority of the receptors considered show that there would be some increase in annual mean concentrations as a result of the development (i.e. when compared with the "no development" scenario) both in the opening year (assumed as 2014) and in 2031. However, these are, for the most part, relatively limited increases and, in all cases save for one, the resulting annual mean concentrations would not exceed the annual mean Air Quality Limit Value (AQLV) of 40 micrograms per cubic metre ($\mu\text{g}/\text{m}^3$). In the case of that receptor (ESR 7; located within the AQMA), the 2014 level increase with the development would be $+0.02\mu\text{g}/\text{m}^3$ (i.e. $42.66\mu\text{g}/\text{m}^3$ as compared with $42.64\mu\text{g}/\text{m}^3$). By 2031, the respective figures with / without the proposed development would be $21.08\mu\text{g}/\text{m}^3$ and $20.58\mu\text{g}/\text{m}^3$ (i.e. an increase with the development of $0.50\mu\text{g}/\text{m}^3$). However, these figures

are predicted having regard to anticipated improvements in background air quality levels; without these assumptions, the respective figures for this receptor would be: 2014: With development: 47.15µg/m³ / Without development: 47.13µg/m³ (i.e. an increase with the development of 0.02µg/m³) and 2031: With development: 49.49µg/m³ / Without development: 48.56µg/m³ (i.e. an increase with the development of 0.93µg/m³). Whilst the Environmental Statement acknowledges this exceedance, it also states that the assessment provides for both the best case and worst case scenarios in terms of predicted concentrations and, as it is likely that there will be some improvement in both background pollutant concentrations and vehicle emissions before 2031, the actual pollutant concentrations at the receptors considered will, it suggests, be likely to fall between the two sets of values. On this basis, it is accepted that, on balance, an unacceptably adverse impact on air quality (and including within the AQMA) is unlikely in the longer term.

For its part, the District Council's Environmental Protection team notes that the Environmental Statement shows a slightly adverse impact on one receptor (ESR 7 in 2014) if background improvements are taken into account as well as on four receptors (ESR 7 and 8 in 2014 and 2031, and ESR 2 and ESR 4 in 2031) in the most conservative assessment. It also notes that receptors ESR7 and ESR8 are located within the Coalville AQMA and the likelihood is that they would exceed the air quality standard regardless of the development unless substantial changes are made to the Stephenson Way / Broom Leys Road junction as the modelled future background and road traffic emissions are optimistic and, historically, have over-estimated improvements. Regardless, however, the District Council's Environmental Protection team accepts that the modelled impact is small and, given the conservative nature of the modelling and the large timeframe for implementation, no objection is raised on the grounds of air quality

Overall in terms of air quality, therefore, the proposed development would not be expected to result in any significant harm to air quality (either during or post construction), and the development is considered acceptable in air quality terms.

Neighbours' and Future Occupiers' Amenities

In terms of amenity issues, the impacts of the proposed development need to be considered both in terms of the impacts on existing residents arising from the proposed development (including, in particular, construction noise and vibration), as well on the future living conditions of both existing residents and the residents of the proposed development, having regard to the site's location and the future use of the site (and, including noise impacts from additional traffic using the development). These are considered in turn below.

Construction Noise and Vibration

The submitted Environmental Statement accepts that, during the earthworks and construction phase, any work carried out at the proposed development is likely to generate noise that may propagate beyond the proposed development boundary, and that earthwork and construction phase activities have the potential to generate short term increases in noise levels, above those recommended in BS5228-1 (although the levels of noise received at the receptors closest to the proposed development would depend on the sound power levels of the machines used, the distance to the properties, the presence of screening or reflecting surfaces and the ability of the intervening ground to absorb the propagating noise). The noise impact of the construction phase on existing and proposed residential properties is categorised in the Environmental Statement as non permanent moderate to minor adverse. Mitigation measures are therefore recommended in respect of this phase, including screening of noise sources by temporary screens, regular maintenance of plant and machinery, staff education, limitations on simultaneous noisy operations, adherence to agreed hours of construction and turning off of

engines when possible.

Similarly, some non permanent moderate to minor adverse impacts are also identified as possible in respect of vibration from the construction works (such as impacts from heavy plant / machinery including use of excavators and piling operations). Again, a range of potential mitigation measures are proposed, including substitution of plant with less intrusive methods where possible and isolation of stationary vibration-producing plant at its source where close to a receptor (e.g. nearby residential property).

Operational Phase

The Environmental Statement recognises that the proposed development has the potential to have noise impacts on, not only existing nearby residents, but also occupiers of the proposed development itself.

Insofar as traffic noise is concerned, the Environmental Statement concludes that, for existing sensitive receptors, the change in impacts vis-à-vis the current position would be less than 0.4dB (and, as such, categorised as negligible), in both the 2014 and 2031 "with development" scenarios (and taking into account likely increases in noise levels over that period even without the proposed development). For future occupiers, however, potential impacts from traffic noise are identified (arising from the proposed uses' proximity to major road links), and are identified as being major to moderate adverse.

[It is noted that the submitted Environmental Statement is based on an assumption of the provision of the potential vehicular link between Bardon Road and the site to the north of Grange Road and the resulting traffic distribution. As discussed under Means of Access, Highways and Transportation Issues above, the subsequent transportation work undertaken on behalf of the applicants indicates that alternative mitigation measures could accommodate the development in capacity and accessibility terms in the absence of this link and, as such, should the link not be provided, this would have therefore have an impact on the distribution assumed for the purposes of the noise assessment. However, it is accepted that it would be unlikely that materially adverse increased impacts would be likely in this regard arising from this change.]

In terms of other factors affecting the suitability of the site for residential development (and other noise sensitive development such as the proposed school), the Environmental Statement considers the impacts of existing features such as industrial / employment premises and the nearby railway. The Environmental Statement also considers the impacts of noise generated internally within the development (e.g. from the proposed school and local centre) on new residents.

Insofar as these various impacts are concerned, the Environmental Statement concludes that the following noise impacts would be likely:

- *Existing industrial premises on proposed residential properties:* long term moderate to minor adverse
- *Existing noise sources on the proposed school:* long term moderate to minor adverse
- *Noise from proposed school premises at proposed noise sensitive receptors:* long term negligible
- *Noise from the proposed local centre at existing and proposed noise sensitive premises (e.g. noise from vehicle movements, noise from patrons entering and leaving the pub / restaurant and community centre, noise from events / amplified music within the proposed pub / restaurant and community centre which may include, external plant and HGV deliveries etc):* unknown at this stage, but likely to be controllable by appropriate

- mitigation
- *Noise from Grange Farm Business Park*: no significant existing noise sources on the business park
 - *Noise from existing mineral railway line*: major to moderate adverse (but negligible in terms of vibration)

It is also noted that the site is located in close proximity to Newbridge High School, identified as both a receptor and potential noise source. However, no specific implications of this are set out in the Environmental Statement.

In terms of mitigation, and in view of the findings in respect of impacts on existing receptors, no mitigation in respect of those receptors is recommended. However, insofar as the proposed receptors (i.e. users of the new development) are concerned, a range of mitigation measures are recommended in the Environmental Statement to address the impacts identified above. These measures include appropriate orientation of buildings and gardens, acoustic fencing / barriers, minimum separation distances from the railway line, acoustic glazing and acoustic ventilation. Subject to the implementation of such measures, the Environmental Statement indicates that the impacts would be mitigated to a negligible level.

On this basis, therefore, the proposed development would be considered acceptable in this regard. For its part, the District Council's Environmental Protection team raises no objections subject to the subsequent approval and implementation of the detailed mitigation measures.

Other Residential Amenity Impacts

As set out above, the Environmental Statement considers the noise impacts of vehicular access (and is based on the indicative points of access as shown on the Development Framework plan). Also of relevance, however, are the likely impacts on amenity of properties in the vicinity of potential pedestrian and cycle routes serving the site. In this regard, whilst it is considered that, given the location of the site in relation to existing pedestrian routes / public rights of way (and based on the illustrative material submitted with the application), there would be likely to be increased use of these routes (albeit these elements of the access are, like the vehicular access, reserved matters, and do not form part of the outline application). Having said this, however, in principle, it is considered that there would be no overriding reason why unacceptably adverse impacts from use of routes indicated on the illustrative masterplan would necessarily arise were the development to proceed in the manner indicated.

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves, whilst an illustrative masterplan has been submitted, all matters are reserved for subsequent approval. Whilst the majority of the proposed development is not indicated as being in close proximity to existing residential development, the illustrative masterplan indicates that built development would be located adjacent to a number of existing residential properties in the vicinity of the north western part of the application site, including properties on Forest Road, Wainwright Road and Hawley Close. Clearly, careful consideration would need to be given to any detailed proposals for these and other areas of the site submitted at the reserved matters stage(s) so as to ensure that an appropriate relationship between existing and proposed dwellings were provided. However, there is no reason to suggest that the eventual form of development proposed at the reserved matters stage(s) would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard.

Geotechnical Issues and Land Contamination

The applicants have undertaken a Phase 1 Geo Environmental Assessment Report and a Shallow Coal Mining Risk Assessment and the Environmental Statement assesses the potential impacts of the proposed development; mitigation, and including detailed intrusive ground investigation, is recommended. The Environmental Statement notes that the site is predominantly undeveloped with the exception of several farm buildings including a derelict building with associated potential asbestos containing material, several mineral railway embankments and the former colliery spoil heap. It also identifies the River Sence (which flows through the site) as a controlled water. An intrusive investigation undertaken at the spoil heap has identified what the Environmental Statement describes as marginally elevated organic contaminants within the spoil heap as well as potentially combustible soils. As referred to above, further intrusive works are recommended (across the entire site) in order to supplement the findings of the desk study and the spoil heap ground investigation. In terms of geology and ground conditions, the Environmental Statement indicates that there would be a low to moderate environmental effect, but that this would, in part, be alleviated by the development and capping of the existing spoil heap which, the Environmental Statement suggests, should have a positive environmental impact upon the surroundings.

The Environmental Statement and other supporting documents also consider the impacts of coal on the proposed development of the site and, in particular, the potential risk from former workings. The submitted Shallow Coal Mining Risk Assessment identifies that numerous coal seams have been mined beneath the site and that there has been mining subsidence at the site. The Environmental Statement therefore recommends further assessment of the ongoing claims and monitoring of surface movements should be conducted in order to assess the risk posed by deep coal workings. At this stage, however, there would appear to be no reason in principle why any such issues would necessarily prevent the satisfactory development of the site, nor why any appropriate remediation measures could not be implemented if required. The site is not within a Coal Authority referral area but is subject the Coal Authority's standing advice (and as set out in Informative 2 within the recommendation below).

Neither the District Council's Environmental Protection team nor the Environment Agency raise objection to the application in terms of geotechnical and land contamination issues (subject to conditions), and the proposals are considered acceptable in this regard.

Hydrology, Flood Risk and Drainage

The Environmental Statement includes a Flood Risk Assessment (FRA), assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development.

That part of the site falling within the area subject to Proposal H4g is identified in the Local Planning Authority's Strategic Flood Risk Assessment sequential test plan as an area where development is inappropriate (having regard to the fact that, given the presence of a tributary of the River Sence, part of the allocation falls (and, insofar as this application is concerned, the area fronting onto Grange Road adjacent to the Hugglescote Surgery) within Flood Zone 3a). However, the relevant paragraphs within the Strategic Flood Risk Assessment confirm that 99% of the allocation falls within Flood Zone 1 and that, through careful planning, the housing can be provided within Flood Zone 1.

Insofar as the application site as a whole is concerned, however, the Environment Agency flood zone maps indicate that the majority of the site lies within Flood Zone 1 (although, as per the section identified in the Strategic Flood Risk Assessment), parts of the site (i.e. adjacent to the

River Sence and its tributaries) fall within Zones 2 and 3. However, and as suggested in the Strategic Flood Risk Assessment, it is not proposed to erect any dwellings within these higher risk areas, and this is reflected on the Development Framework plan. On this basis, it is considered that the sequential test would be satisfied. Whilst the site includes land falling outside of Zone 1, it is considered reasonable to accept that this in itself should not prevent the sequential test being passed, particularly when having regard to the availability of alternative sites, and the overall contribution to sustainable development of the proposals.

It is noted that areas of public open space could be subject to flooding during extreme events. However, the approach to location of appropriate uses as set out in the NPPF does not preclude such uses, and it is accepted that no significant harm would be likely to result from the inaccessibility of these areas for a limited period during such extreme events, particularly given the relatively low frequency of such events.

In terms of potential sources of flood risk other than fluvial flooding, the FRA identifies a high potential risk in terms of the effect on the wider catchment, and low potential risks in respect of flooding from groundwater, sewers and pluvial run-off. In terms of these sources of risk the FRA concludes as follows:

Wider Catchment: The FRA identifies that operations such as changes to ground levels or construction of new crossings have the potential to affect or impede floodplain flows and / or reduce floodplain storage. However, it also indicates that such impacts can be addressed by way of appropriate design. Similarly, introduction of impermeable surfaces within the development have the potential to increase run-off rates but, again, can be addressed in an appropriate manner (e.g. by way provision of balancing facilities).

Sewers: The FRA indicates that the majority of the nearby sewer network is unlikely to be affected by the proposals by virtue of the site's topography and existing features (such as railways / embankments etc) which would restrict any overland surface water flows from reaching the nearest existing sewers.

Pluvial Run-Off: The FRA suggests that many of the site's boundaries form topographical barriers which would have the effect of preventing pluvial run-off, and existing land drainage features would serve to direct pluvial run-off towards the River Sence.

In terms of proposed mitigation, the FRA recommends that all built development be located within Flood Zone 1 and that finished floor levels be set a minimum of 300mm above the modelled 1 in 100 year plus climate change annual probability flood level.

For its part, the Environment Agency recommends that this figure be a minimum of 600mm. However, it is agreed that this can be satisfactorily resolved at the reserved matters stage, and the recommended conditions listed below have regard to this. The Environment Agency has no objections (subject to conditions) in respect of flood risk issues, therefore.

The Environmental Statement also has regard to other hydrological impacts, and sets out a range of mitigation measures. Subject to these mitigation measures being implemented, the Environmental Statement identifies, amongst others, the following residual effects during construction:

- Suspended solids entering the water environment: negligible adverse
- Concrete and cement products entering the watercourse: negligible adverse
- Impact on the water environment from hydrocarbons: minor adverse
- Impact from the release of harmful substances: minor adverse

The Environmental Statement also suggests that, subject to mitigation measures being implemented, the impact of increased surface water run-off rates during the construction phase can be considered negligible adverse.

Insofar as the operational phase is concerned, the Environmental Statement indicates that suspended solids and other contaminants would be filtered from surface water drainage through the use of SuDS (such as permeable paving, swales and attenuation basins) prior to discharge to watercourses. The Environmental Statement also states that use of SuDS will enable settlement of suspended solids and provide treatment for run-off, providing betterment in terms of the quality of water reaching the watercourses. In addition, the Environmental Statement states that the surface water drainage strategy seeks to limit discharge from the site in all return periods, reducing the potential flood risk within the River Sence. On this basis, the Environmental Statement suggests that the impacts of the development would be minor beneficial in terms of improving the quality of discharge and in terms of reducing flood risk on the river.

In terms of foul water disposal, the Environmental Statement indicates that this is proposed to be directed from the development via existing sewers to the west of the site towards Kelham Bridge pumping station, although this will, the Environmental Statement states, require some upgrades to the system (including improvements to existing sewers between the site and Kelham Bridge, improvements to the Kelham Bridge pumping station itself, and improvements to the pumping main between Kelham Bridge and Snarrows treatment works). However, and whilst full details have not been set out at this stage, the Environmental Statement indicates that, subject to suitable mitigation, the impact of the proposed development on the overall foul system would be minor adverse. In terms of water supply, the submitted information indicates that, from preliminary enquiries with Severn Trent Water, it is envisaged that the initial phases should be capable of supply without undue difficulty. For its part, Severn Trent Water raises no objections subject to conditions regarding approval of drainage details. [Initial work has also been undertaken in respect of other utility infrastructure (e.g. electricity, gas and telecommunications supply), and there seems to be no reason why, at this stage, those services could also not be appropriately provided as the development progresses.]

Loss of Agricultural Land

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

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification. The Environmental Statement includes an assessment of the agricultural quality of 172ha of the application site, suggesting the following distribution of land quality:

| | | |
|-------------|---------|-------------------------------|
| Grade 3a: | 9.2ha | (7% of the agricultural land) |
| Grade 3b: | 126.5ha | (92%) |
| Grade 4: | 1.4ha | (1%) |
| Other land: | 35.1ha | |

On this basis, 7% of that part of the agricultural land within the application site (9.2ha) (or 5% of the 172ha included within the survey) would be BMV, and primarily incorporating sections to the

east of the existing surgery on Grange Road, and land in the vicinity of the Upper and Lower Grange Farms, with these sections comprising land within Grade 3a.

In terms of assessing the significance of this loss, the Environmental Statement has regard to both the limited extent of the BMV land and the fact that the impacts would be limited to tenanted land of one farm (Battleflat Lodge Farm), and considers that the proposed development would have a negligible adverse effect on soil resources. It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. For its part, Natural England makes no comments on loss of agricultural land in its consultation response in that the extent of the BMV loss falls below the 20ha threshold above which Natural England is a statutory consultee on this issue.

Also relevant is the extent to which change of use of the BMV land is irreversible. Whilst the submitted masterplan is illustrative only, it is noted that it indicates that a proportion of the areas identified as BMV would be given over to public open space which, it is considered, may not necessarily preclude its future re-establishment in active agricultural use if circumstances so dictated (although this could be dependent on the treatment of those areas during construction).

Nevertheless, in terms of agricultural land quality, it is not considered that the proposed development of the BMV land sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard which would count against the proposals in the overall planning balance, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the scheme as a whole and its overall contribution to sustainable development, and given the limited proportion of the site forming BMV, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused.

Proposed Main Town Centre Uses

A local centre is proposed to be provided as part of the development, including up to 2,000sqm for A1, A2, A3 and A5 uses, up to 499sqm for a public house restaurant, up to 400sqm for a children's day nursery and up to 500sqm for a new medical centre. The Development Framework plan indicates that this would be located towards the south eastern part of the site as a whole. In accordance with the requirements of the NPPF, the planning application is accordingly supported by information in respect of the sequential test although, given the scale of the proposed retail development (which falls below the 2,500sqm threshold set out in the NPPF), no supporting information in respect of retail impact is necessary.

In terms of the sequential test, the applicants' supporting information suggests that the sequential test has limited application in this case in that the proposed retail and leisure uses form part of a proposed local centre designed to serve the new population generated by the development and their day-to-day retail and leisure needs. There are therefore, the supporting information suggests, specific locational requirements for the local centre which mean that it cannot be accommodated within an existing centre, and that locating the retail and leisure elements of the proposal within Coalville town centre or another designated centre would fail to fulfil the purposes of a local centre. The supporting information notes that, to meet the needs of the new population, it is necessary for the facilities to be provided within a central and accessible location, taking into account the location of the new housing. The applicants also draw attention to the content of the South East Coalville Development Brief which, it is noted, requires the provision of two local centres (i.e. the one the subject of the current application and

the one previously approved on land to the north of Grange Road).

Paragraph 24 of the NPPF provides that local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered; the application site is out of centre (i.e. the least sequentially suitable). In this case, however, it is considered reasonable to have regard to the fact that the proposed town centre uses would, to a degree, serve the new population resident on the site (and, thus, reduce its occupants' need to travel) and, in this sense, this is considered to represent a reasonable case for permitting the town centre uses in this case; in the absence of any associated residential development, the location of a retail unit in this out of centre location adjacent to the existing edge of the settlement would, it is considered, be inappropriate in sequential terms. However, when taking into account the proposed associated residential development, it would be considered acceptable in retail policy terms to agree that the sequential test has been met in this case.

On the basis of the above, therefore, it is considered that the applicants have satisfied the NPPF's sequential test requirements and that, as such, the proposed development would be acceptable in retail / town centre policy terms. Whilst, as noted above, the floorspace of the proposed local centre falls below the 2,500sqm threshold referred to in the NPPF, given the proposed centre's scale (and the size of the proposed residential development which it is proposed to serve), unacceptably adverse impacts on the vitality and viability of existing centres would seem unlikely.

Design

The proposed scheme is outline only, with all matters reserved for later consideration, and has been assessed by the District Council's Urban Designer.

The application is accompanied by a Design and Access Statement (and addendum) and Building for Life 12 assessment setting out the design principles used in the formulation of the Development Framework Plan proposals, and assessing the scheme's performance against the various Building for Life criteria. The Building for Life assessment indicates that the scheme would be capable of achieving 12 "greens" against the criteria.

The scheme has been assessed by the District Council's Urban Designer who comments that the proposals have been subject to extensive consultation and discussion between various stakeholders both inside and outside of the District Council. The District Council's Urban Designer has also had extensive discussions with the applicants' designer and the District Council's Urban Designer advises that the majority of his questions and concerns raised during pre-application discussions have been addressed.

In terms of the applicants' Building for Life assessment which, as referred to above, concludes that 12 "greens" would be achieved, the District Council's Urban Designer considers that it is difficult to reach such a conclusion in the absence of detailed plans, and advises that it is generally difficult for an outline application to secure anything above amber from questions 5 onwards as there are no detailed proposals to justify a green indicator. The questions, in the Urban Designer's view, are therefore whether there are any red indicators that need identifying and remedying, whether any amber indicators could be raised to green, and what measures would safeguard this.

In terms of the submitted Building for Life assessment itself, the District Council's Urban Designer comments as follows:

Questions 1 to 4 (Connections, Facilities and services, Public transport and Meeting local housing requirements): The "greens" awarded in the self assessment are robust.

Questions 5 to 12 (Character, Working with the site and its context, Creating well defined streets and spaces, Easy to find your way around, Streets for all, Car parking, Public and private spaces, and External storage and amenity space): These are all amber at this stage. However, subject to the imposition of conditions there should be no difficulty in raising these to green.

The Urban Designer therefore considers that, whilst the scheme does not yet achieve the required Building for Life 12 standard, this is due to the outline nature of the application and, subject to the imposition of conditions, no objections are raised in respect of the outline application. Specific concerns had also been raised in respect of legibility. However, further to the submission of an additional legibility plan, the majority of the concerns raised in respect of this issue have been addressed, and the District Council's Urban Designer is content that, subject to further improvements of some of the "cross" links within the site at the detailed stage, this issue is resolvable.

Insofar as the construction of the proposed buildings is concerned, it is noted that the South East Coalville Development Brief referred to [the then] emerging Core Strategy Policy CS25 which required that major new residential and non-residential developments secure the highest rating technically and financially viable under the Code for Sustainable Homes (CSH) and the Building Research Establishment's Environmental Assessment Method (BREEAM) respectively. It also had regard to the then Policy CS35 which set out the specific sub-categories under these schemes which development in the Coalville Urban Area would be expected to meet. Clearly, these former emerging policies no longer "exist" and, as such, no weight should be attached to their provisions as material considerations. However, the environmental performance of the proposed buildings is nevertheless considered to remain a factor in assessing the proposed development's overall contribution to sustainable development, and to be of relevance to the overall planning balance. As set out in more detail under Developer Contributions and Development Viability below, the scheme is not considered to be capable of supporting a full range of developer contributions whilst remaining viable and, as part of the viability assessment process, the applicants have not assumed the implementation of any construction features beyond those required under the Building Regulations. This in itself, whilst having implications on the overall assessment of the development's sustainability credentials, would not, however, be likely to impact upon the achievable Building for Life score.

On this basis, whilst an entirely satisfactory form of development has not at this time been formulated, the view is taken that, given the outline nature of the application, and the supporting evidence which, in the District Council's Urban Designer's view, demonstrates that an appropriate approach can be provided at the reserved matters stage(s), design-related issues are considered to have been addressed to a satisfactory degree at this outline stage.

Other Matters

Developer Contributions and Development Viability

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

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

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

Regulations 2010.

The proposed infrastructure and other developer contributions / Section 106 obligations are as set out in the preceding sections of this report (including in respect of accessibility / transportation) and as listed below.

Notwithstanding the various contributions proposed by the applicants (and sought by consultees), the applicants do not propose to make a full affordable housing contribution having regard to the viability constraints of the scheme, nor are all of the other requested developer contributions proposed to be accommodated. As set out under Relevant Planning Policy above, the NPPF requires that development of sites identified in an authority's plan should not be subject to such a scale of obligations that their ability to be developed viably is threatened. A viability assessment has been submitted by the applicants and has been assessed on the Local Planning Authority's behalf by consultants engaged by the District Council.

The originally submitted viability assessment produced on behalf of the applicants concluded that no affordable housing could be provided without rendering the development unviable. A further, amended, viability assessment (and following the updating of some developer contribution figures) has now been provided which indicates that, when including for the various developer contributions as set out below, the development would support an affordable housing contribution of 4.4% (although, notwithstanding that (on the basis of their appraisal) any contribution in excess of 4.4% would render the scheme unviable, the applicants have indicated that they would be willing to increase this to 5%).

The District Council's consultants do not, however, accept the applicants' consultants' conclusions as set out within their appraisal. For their part, the District Council's consultants are of the view that an affordable housing contribution of approximately 10% could be secured. However, this assessment does not take into account fully the reduced developer contributions assumed for the purposes of the applicants' recent re-appraisal (i.e. which resulted in an increase from 0% to 4.4% (or 5%) affordable housing), as the re-appraisal was in a simplified form not including details of cash flow. In practice, therefore, the District Council's consultants are currently of the view that, were these reduced developer contributions factored in, further enhancement of the affordable housing contribution could be achieved (potentially to somewhere in the order of 12.5% but, as set out above, they are unable to say with any greater certainty at this point what this figure would be in the absence of detailed cash flow information).

In disagreeing with the conclusions of the District Council's consultants, the applicants take the view that the District Council's consultants' appraisal is flawed in terms of the build costs included which, they suggest, take into account unrealistic economies of scale, inappropriate (very basic) costs of affordable housing construction, and recent inflation in build costs. They also disagree with the benchmark land value taken into account. The District Council's consultants, similarly, do not accept the applicants' consultants' assumptions in this regard.

In view of the current differences between the respective consultants' positions, a proposal in respect of affordable housing has been made by the applicants, and is described below.

Having regard to the above viability issues, the following conclusions are reached in terms of the relevant contributions:

Affordable Housing

Under the provisions of the District Council's Affordable Housing SPD, a site of this scale in the

Greater Coalville area requires a minimum affordable housing contribution of 20% (i.e., for a development of total number 2,700 dwellings, 540 affordable units). As set out above, however, the development is proposed to provide a reduced proportion of affordable housing, and in accordance with the approach set out under the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy.

Putting the viability issues to one side, however, insofar as property and tenure mix are concerned, the District Council's Affordable Housing Enabler advises that a tenure mix of 79% affordable rented and 21% intermediate housing would be appropriate, comprising the following house types:

- 1 bed properties - 20%
- 2 bed bungalows - 20%
- 2 bed houses - 45%
- 3 bed houses - 15%

The tenure mix (above i.e. 79% affordable rented and 21% intermediate housing) has been assumed by the developers in reaching a calculated viable affordable housing contribution of 4.4% (although, as referred to above, the applicants have indicated that they would be willing to increase this to a contribution of 5%).

In terms of the approach proposed given the current lack of consensus between the applicants' and the Local Planning Authority's advisors, two potential options are suggested by the applicants. Members are invited to either:

- (i) Agree to a *minimum* contribution of 5% affordable housing, but with a view to negotiations on the maximum proportion of affordable housing continuing (and assuming the other development contributions below remain fixed), and with the final level of contribution being delegated to officers to agree in the light of the advice of the District Council's consultants on the viability of the scheme; or
- (ii) Accept a fixed contribution of 7.5% affordable housing at this stage

In the case of (i) above, the contribution agreed would be subject to ongoing review of the viability of the scheme during its development, with updated appraisals being produced and submitted to the Local Planning Authority for agreement at regular intervals (i.e. if those future viability reviews indicated that, having regard to improvement (or deterioration) in economic conditions, the scheme was able to support an enhanced affordable housing contribution (or, potentially, a reduced contribution in the event of a down turn in the market), then the contribution required under the Section 106 agreement would be adjusted accordingly. In the case of (ii), the 7.5% contribution offered is "fixed" (i.e. no review mechanism would be provided for during the course of the development's construction); the developers are in a position to agree to enhanced contributions in the event they are fixed given the additional certainty that the absence of review mechanisms provides.

Clearly an affordable housing contribution of 5% (or any other agreed enhanced figure under the SPD requirement) would fall below the minimum 20% contribution the District Council's Affordable Housing SPD seeks to secure from new housing development in Coalville, but this is nevertheless considered an acceptable approach if this level of contribution is the highest that can be demonstrated as viable. Alternatively, Members may take the view that a fixed 7.5% contribution would, on balance, represent a reasonable offer in the light of the current position. Under option (i) above, if the subsequent negotiations conclude that a higher contribution is viable, this higher level would be able to be secured. Having regard to the approach suggested

in the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, and given the under-provision of affordable housing vis-à-vis the adopted Affordable Housing SPD, it is considered appropriate to limit the implementation period of any planning permission granted, and the recommendation below therefore reflects that. The District Council's policy provides that the Council will reduce the time period for any planning permission to be commenced to 2 years; in the case of other outline permissions issued on this basis, the Authority has sought to ensure compliance with this two year time limit by requiring submission of the reserved matters application within one year of the date of the outline permission, and for the development to be commenced within one year of the date of the approval of the last of the reserved matters. Having regard to the scale of the development, the likely timescale for phasing, and the need to resolve a number of other matters early in the process (and as required by other conditions below), it is recommended that the timescales as set out in Condition 2 below be adopted in this instance.

In terms of the proposed options outlined above, either would be likely to result in a reduced contribution in one form or another, and there would clearly be implications of a reduced contribution towards affordable housing in order to secure the development's viability which would represent a departure from the Council's current affordable housing policies. However, Government guidance as set out in its Planning Practice Guidance advises that, where an applicant is able to demonstrate that a planning obligation would cause a development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations, and that affordable housing contributions in particular should not be sought without regard to individual scheme viability. However, it also clarifies that the NPPF provides that, where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development. Whilst the scheme would provide for an affordable housing contribution below that which would normally be required by the relevant policy, (and, hence, there would be concerns regarding whether the development would constitute sustainable development (and, in particular, in terms of its social dimension)), this needs to be considered in the context of the approach taken in the NPPF and Planning Practice Guidance.

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

Also relevant is the extent of the likely affordable housing contribution. Depending on the approach favoured by the Local Planning Authority, even a relatively small (percentage wise) contribution has the potential to deliver a significant overall quantum of affordable housing; for example, a contribution at 5% would equate to 135 units, 7.5% 203 units and so on. Whilst these would remain, in percentage terms, relatively small contributions compared with the policy-compliant 20%, it is nevertheless acknowledged that these contributions would provide an important contribution to the overall stock of affordable dwellings in the area, a shortfall which is an inevitable consequence of the need to prioritise transportation contributions over affordable housing as has been the case in the Coalville area recently. The provision of significant numbers of affordable units would, to some extent, therefore, assist in addressing some of the increased shortfall that has arisen.

Therefore, the view is taken that, whilst the reduced contribution to affordable housing is unfortunate, the proposals represent a sustainable approach to delivering development overall. In terms of the options open to Members, officers would suggest that option (i) would be the more robust in terms of ensuring that the Local Planning Authority can be satisfied that the affordable housing contribution secured would be the maximum the development could deliver (and would secure enhanced affordable housing contributions if economic conditions improve during the life of the development programme). However, it is nevertheless accepted that there are other risks with this approach when compared to (ii) in that the alternative approach would secure 7.5% affordable housing regardless of the ongoing viability work (which could, of course, conclude that less than 7.5% was viable), and would also protect against a reduced contribution in the event that economic conditions worsened. Whilst officers' advice would be to agree to (i), therefore, it is nevertheless considered that favouring (ii) would be an entirely reasonable alternative, should Members consider it to be more appropriate.

In either event, however (and as referred to under Means of Access, Highways and Transportation Issues above), it is recommended that, should any transportation infrastructure improvements contributions not subsequently be necessary / used for, any unspent contributions should be directed back towards the provision of additional affordable housing.

Transportation and Accessibility Contributions

These are as set out under Means of Access, Highways and Transportation Issues above.

Education

The application includes provision for a new primary school. The respective education proposals / contributions are set out in more detail below.

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

Primary School Requirements:

The site falls within the catchment area of Ellistown and Hugglescote Primary Schools. The schools have a joint net capacity of 682 and 1484 pupils are projected on the roll should this development proceed, representing a deficit of 802 places. There are currently 141 pupil places at these schools being funded by Section 106 agreements from other developments in the area to be discounted, which reduces the deficit to 661 pupil places (of which 13 are existing and 648 would be created by this development).

There are four other primary schools within a two mile walking distance of the development,

namely Belvoirdale Primary School (with a surplus of 10 places), Broom Leys Primary School (with a surplus of 62 places), Warren Hills Primary School (with a deficit of 15 places), and All Saints Church of England Primary School (with a deficit of 20 places). When taking these into account, there would be an overall deficit in the primary sector of 624 pupil places. A total of 296 pupil places have been discounted that are being funded from Section 106 agreements for other developments in the area. The 648 deficit places created by this development can therefore be partly accommodated at nearby schools but the Local Education Authority considers that a claim for an education contribution of 624 pupil places in the primary sector is justified.

As part of the Section 106 agreement for the site to the north of Grange Road (permission ref. 12/00376/OUTM and its subsequent Section 73 permission, referred to as "Bardon Grange"), a 1.8ha site has been allocated together with the funding needed to accommodate the primary age pupils from that development. The County Council advises that it would be its intention to use some of the Section 106 funding secured for the current proposals to expand this Bardon Grange school to accommodate up to 420 pupils. If an additional 624 places are required and 420 of these are provided at the second 420 place school then the balance of 204 places would be provided by expansion of the Bardon Grange school. For this purpose the Local Education Authority advises that it would use the cost multiplier of £12,099.01 per pupil place, generating a contribution for this element of £2,468,198.04. In addition, a further site would be required and should, the County Council advises, be between 2.5ha and 2.8ha to provide the capacity to accommodate a 630 place school. However, the County Council advises that its intention would be to build the second 420 place school on this site to accommodate the balance of the pupils from the current proposals. The allocation of a 630 place site would, the County Council considers, ensure that, in the event of the Bardon Grange school not coming forward, the County Council would have the site and funding needed to build a 630 place school to accommodate all primary age pupils from the current site. Leicestershire County Council therefore requires the developer to provide the serviced site for a 630 place primary school, and to extend the Bardon Grange school to accommodate up to 420 pupils (or provide the funding required for others to do so, using the cost multipliers in use at the time). In addition a second new primary school for 420 pupils would, the County Council advises, be required, the cost of which would be based on the actual cost of providing the facility up to a maximum agreed figure. In the event that the Bardon Grange school did not come forward, Leicestershire County Council would require the developer of the current application to build a school, or pay a sum to meet the full cost (up to an agreed maximum figure) for 630 pupils.

In summary, therefore, the Local Education Authority advises that, in respect of the primary sector, it requires:

- Contribution of £2,468,198.04 to extend the proposed Bardon Grange primary school to 420 places
- Provision of a site to build a 630 place primary school
- The building (or a contribution to meet the full cost of building) a 420 place or 630 place primary school

The applicants have confirmed that they are agreeable to making these contributions.

High School Requirements:

The site falls within the catchment areas of Newbridge High School and Ibstock College. The schools have a joint net capacity of 1,295 and 1,654 pupils are projected on roll should this development proceed, representing a deficit of 359 pupil places. A total of 35 pupil places are included in the forecast from Section 106 agreements for other developments in this area and are therefore discounted, reducing the total deficit to 324 (of which 54 are existing and 270 would be created by this development). There is one other high school within a three mile walking distance of the site (Castle Rock High School) which has a forecast surplus of 49 pupil

places, resulting in an overall deficit in this sector of 275 pupil places, and the 270 deficit places created by this development cannot therefore be accommodated at nearby schools.

In order to provide the additional high school places anticipated by the proposed development, the County Council requests a contribution for the high school sector of £4,826,565.90, which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at one or more of Coalville Newbridge High School, Coalville Castle Rock High School and Ibstock Community College (or any other school serving the development). The applicants have confirmed that they are agreeable to making this contribution.

Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The school has a net capacity of 1,193 and 1,332 pupils are projected on roll should this development proceed, representing a deficit of 139 pupil places. However, there is one other school within a 3 mile walking distance of the development (Stephenson College Studio School) which has a projected surplus of 310 pupil places. There is, therefore, an overall surplus in this sector of 171 pupil places and an education contribution is not therefore requested by the Local Education Authority.

Play Areas, Public Open Space and National Forest Planting

The supporting documents indicate that the proposed development would provide for significant areas of open space / green infrastructure (and including those containing SUDS features) which, for the site as a whole, would total somewhere in the order of 33% of the site when working on the basis of the submitted Development Framework plan, with much of the green infrastructure being located in the vicinity of the former and existing railway lines, and the River Sence.

Under the provisions of the District Council's Play Area Design Guidance Note SPG, children's play areas are required at a rate of 20sqm per dwelling, and all proposed dwellings should be within 400m walking distance of a facility. For developments of more than 99 dwellings, "kickabout" areas and provision of youth / adult formal recreational open space (e.g. sports pitches) are also required. In terms of future management, the approach set out within the SPG is for the facilities to be adopted by the relevant open space authority (in this case the Hugglescote & Donington le Heath and Ellistown & Battleflat Parish Councils).

In detail, the application includes the following:

Informal open space:

71.3 hectares distributed around the site, including existing vegetation, areas of water attenuation and areas of ecological and landscaping value. A network of pedestrian links is proposed through and within these areas providing recreational walking connections.

Children's play space:

3.5 hectares, comprising 10 Local Equipped Areas of Play (LEAPs) and one Neighbourhood Equipped Area of Play (NEAP), with the NEAP being located in the central open space area. On the basis of the submitted details, whilst the maximum distance any proposed property would be from a play area is not possible to calculate precisely due to the detailed road / pedestrian route network not being known at this outline stage, the illustrative distribution of the play areas would indicate that the maximum 400m walking distance as suggested in the District Council's SPG should be achievable.

Formal recreational open space:

4.6 hectares, including two sports pitches within the central open space area, a football pitch within the proposed primary school site for dual use, a multi use games area adjacent to the proposed primary school, and a "trim trail" route. In addition, it is proposed to provide a contribution of £16,000 to Newbridge High School (intended to allow for works to improve drainage so as to allow existing playing fields to be brought back into beneficial use, and enabling their use by not only the school but the wider community). Furthermore, it is proposed to contribute £100,000 to Ellistown and Battleflat Parish Council so as to fund improvements at the existing South Street Recreation Ground. At the time that the previously proposed scheme for the redevelopment of the South Leicester Disposal Point (which now forms part of this site) was permitted, similar obligations requiring implementation of a scheme of improvement works were provided for within the Section 106 agreement, and this proposal would, in effect, replace that requirement, and would allow the beneficial use of the recreation ground (and including by residents of the proposed South East Coalville development).

In terms of future management, and as set out above, the approach included within the District Council's SPG is for the facilities to be adopted by the relevant open space authority. In this case, however, in order to enhance the overall viability of the proposed development (and, accordingly, to enable increased contributions towards affordable housing and infrastructure), the applicants propose to pass responsibility for the management of the open spaces to a management company; this would accordingly remove the need for a maintenance commuted sum to be paid to the Parish Councils, and the financial burden for maintaining the areas would then be likely to be passed on to future occupiers of the development through, for example, payment of an annual fee by residents rather than using public money. Whilst this approach does not follow that envisaged in the District Council's SPG, use of management companies in respect of public open space is becoming increasingly common and, subject to the Section 106 agreement incorporating adequate safeguards to ensure continuity of maintenance and public access in the long term, it is considered that, particularly when having regard to the wider benefits accruing from the resulting ability to increase contributions elsewhere, this approach would be acceptable in this instance.

In terms of the ecological and biodiversity impacts of the proposed green infrastructure, Natural England supports the proposals as indicated on the Development Framework plan which, it considers, is sympathetic to local habitat requirements and has been developed as a result of the species and habitats recorded on site and expert advice from consultees such as the County ecologist. Natural England advises that multi-functional green infrastructure can perform a range of functions, including improved flood risk management, provision of accessible green space, climate change adaptation, and biodiversity enhancement. In this case, Natural England supports, in particular, the development of the River Sence corridor and publically accessible links into it, and welcomes the new proposal for creation of wetland and wet woodland areas. As referred to under Ecology and Biodiversity above, a habitat management plan is proposed (and would appear to be most appropriately secured by way of a Section 106 obligation).

Insofar as National Forest planting is concerned, whilst the National Forest Company has requested that consideration be given to accommodating additional tree planting in various locations around the site (including within the proposed "green links" and along the River Sence corridor), it nevertheless accepts that there would, overall, be sufficient green infrastructure to meet its minimum 30% requirement and, as such, it is considered that the scheme is, on balance, acceptable in this regard.

In terms of these issues overall, however, whilst the application is in outline and, as such, the

details in respect of play / recreation / open space / green infrastructure are limited at this stage, it is nevertheless considered that the proposed development has the potential to provide for an overall acceptable solution in terms of such facilities, subject to detailed resolution in due course.

Other Leisure Facilities

In addition to the sport and recreation proposals set out above, a contribution of £971,500 has been requested by the District Council's Leisure and Cultural Services team towards improvements at Hermitage Leisure Centre. However, the applicants do not propose to make this contribution as, in their view, the contribution would not meet the tests set out in the CIL Regulations in that: no scheme of improvement has been identified; similar contribution requests have not been made in respect of other applications in the South East Coalville area; and as there is no Development Plan policy basis for the contribution.

In support of the requested contribution, the District Council's Leisure and Cultural Services team advises that, having regard to existing capacity, the availability of alternative fitness provider facilities and the likely demographic make-up of new residents, the number of new Hermitage Leisure Centre users likely to be generated by the proposed development would be 1,485, representing an increase in latent demand of 67%.

The Leisure and Cultural Services team advises that the Leisure Centre is in the planning stages of a proposal to increase the size and capacity of a fitness suite and fitness class studio and, whilst at an early stage, the build costs (based on draft plans) are estimated to be approximately £1,000,000 with a further £250,000 to £450,000 in equipment and furnishing costs. Based on the above costs (i.e. up to £1,450,000 in total), a contribution of £971,500 towards the project is requested.

Whilst it is noted that the applicants do not consider the request to be CIL compliant, it is considered that evidence has been submitted which indicates that increased pressure on the facility is likely to result from the proposed development and, insofar as the requirement to be directly related to the proposed development is concerned, it is agreed that this case has been made. In terms of the need to be reasonably related in scale and kind to the proposed development, it is considered that the sum sought appears reasonable insofar that it has been calculated as a proportion of an identified latent demand. On this basis, therefore, it is accepted that, in CIL compliance terms, a case could be made for the contribution requested. Notwithstanding this conclusion, however, regard needs to be had to the wider viability issues and the fact that the development is unable, financially, to support all the contributions which would otherwise be required to be made. In this regard, it needs to be considered whether (and having regard to the approach set out within Paragraph 173 of the NPPF) the non-provision of this contribution would be so harmful as to render the development unsustainable in NPPF terms. In addition, Paragraph 10-019-20140306 of the Planning Practice Guidance states that "...the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development". In this case it is accepted that, whilst there could be increased pressure on the existing leisure centre as a result of the proposed additional housing, this would not be so severe as to make the development unacceptable (when balanced against the other planning benefits). As such, it is accepted that the non-provision of this contribution does not mean that permission ought to be refused (nor is it considered that this contribution necessarily ought to be prioritised over other contributions proposed to be made by the applicants).

Library Services

Leicestershire County Council advises that an additional 3,888 users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 9,370 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £146,740 is therefore proposed to be made by the developer for library services in accordance with the requirements of the County Council.

Civic Amenity

Leicestershire County Council advises that an additional 745 tonnes of waste per annum are anticipated to be generated and disposed of at Coalville Civic Amenity Site as a result of the proposed development, requiring improvements at the site so as to provide the increased capacity. A contribution of £176,526 is therefore proposed to be made by the developer for civic amenity services in accordance with the requirements of the County Council.

Healthcare

In respect of healthcare contributions, and as set out above, the application includes for the erection of a new medical centre of up to 500sqm. However, whilst the anticipated timetable for delivery of the medical centre is set out within Proposals and Background above, it is not considered certain if and when this particular element of the proposed development would actually be delivered, and consideration therefore needs to be given to the healthcare facility impacts of the proposed development on existing service provision.

NHS England requests a developer contribution of £276,931.20 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development together with commensurate costs of mitigation. Whilst the principal impacts are identified by the NHS as being on other surgeries rather than the nearby Hugglescote surgery, given other surgeries' existing capacities, there would appear no reason why, in planning terms, any enhancements to healthcare provision could not be directed towards the Hugglescote facility as well if the ability existed to accommodate new residents at that (expanded) practice. The calculations undertaken by the NHS indicate that, in order to accommodate the proposed development, an additional 7 clinical rooms would be required. It is considered that this request would meet the relevant CIL and NPPF tests, and the applicants have confirmed that are agreeable to making the contribution sought.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £952,050 in respect of policing as set out in the consultation response above. The contribution sought comprises:

| | |
|--------------------------------|----------|
| Start up equipment / training | £110,231 |
| Vehicles | £68,634 |
| Additional radio call capacity | £6,885 |
| Police National Database | £3,510 |
| Additional call handling | £6,021 |
| ANPR | £16,444 |
| Mobile CCTV | £1,500 |
| Additional premises | £733,425 |
| Hub equipment | £5,400 |

In terms of the current application, whilst this contribution has been requested by Leicestershire Police, the contribution is not proposed to be made by the applicants on the basis that they propose to prioritise affordable housing over contributions towards policing.

The policing contributions listed above remain under consideration as to whether they meet the tests pursuant to CIL Regulation 122. Regardless of the resolution of this issue, however, it is noted that the applicants are of the view that, having regard to the viability limitations on the proposed development, and the fact that the development is unable, financially, to support all the contributions which would otherwise be required to be made, that other contributions ought to be prioritised. In this regard, and as per the leisure contributions discussed above, consideration needs to be given to whether the non-provision of this contribution would be so harmful as to render the development unsustainable in NPPF terms.

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its economic dimension) and also provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure. In addition, Paragraph 58 provides, amongst others, that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; similar principles are contained within Paragraph 69.

In terms of the economic role of the planning system, it is considered that, should the requests be found to be CIL compliant, the non-provision of the infrastructure sought by Leicestershire Police would not in itself render the development, overall, as unsustainable. It is also considered that the increased contribution to affordable housing as proposed by the applicants in lieu of the requested policing contribution would serve to enhance the sustainability of the development as a whole, and particularly in respect of the social dimension. This enhanced social element would, overall, be considered to more than off-set any adverse economic impacts. In terms of the need to provide for safe communities and the requirements of NPPF Paragraphs 58 and 69, it is noted that the proposed development has been identified as having the potential to score well under Building for Life 12, and including in respect of criteria 1 (Connections) and 11 (Public and Private Spaces) which have regard to the need for safe, well overlooked development; subject to the scheme submitted at the reserved matters stage having regard to this issue, there would appear to be no reason why, in principle, the proposed development would be unacceptable in terms of increased criminal activity, and it will be open to the Police to provide crime prevention / police architectural liaison advice at the reserved matters stage if it considers that the layout / design proposed at that time is not appropriate in terms of minimising the opportunities for crime. Whilst the Police object on the basis of the proposals not constituting sustainable development, and criticise the absence of an assessment of crime, community safety and policing impacts within the submissions, it is not considered that the absence of the contributions sought would necessarily render the development unsustainable in NPPF terms.

On this basis, and having regard to the overall contribution to sustainable development (and including from the proposed prioritisation of other contributions over the requested policing contribution) and having regard to the advice in Paragraph 10-019-20140306 of the Planning Practice Guidance, it is not considered that, should there be any adverse impacts arising from the non-provision of the requested policing contribution, the impact will be so severe as to render the development unacceptable. Leicestershire Police has requested that, should officers conclude that a policing contribution is not necessary, the consultation response letter and attachments be copied verbatim into the report; the letter in itself comprises 32 pages, and the attachments referred to total almost 300 pages, so reproduction of these documents within the

report is not considered appropriate. Copies are available for inspection, however, and can be forwarded on request.

Other Contributions

It is noted that Ellistown and Battleflat Parish Council has identified that the Ellistown has a need for a community centre; however the Parish Council has not provided any evidence demonstrating that the proposed development would generate a need for a community centre.

Overall, in terms of planning obligation issues, however, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and would represent appropriate contributions towards the infrastructure and other needs of the proposed development. Having regard to the viability constraints affecting the development, and the need for this development (as with others in the Coalville area) to be able to provide for appropriate transportation infrastructure, it is accepted that it is not possible to secure the full range of obligations together with a 20% affordable housing contribution (as per the District Council's Affordable Housing SPD) whilst at the same time ensuring the development remains viable. It is also accepted that, given the viability constraints and, accordingly, the limited funding available for affordable housing and infrastructure contributions, the range of obligations as proposed by the applicants represents an appropriate distribution of resources.

Conclusions

As set out above, the site is considered suitable in principle for the proposed development. Whilst the majority of the site is outside Limits to Development and, therefore, would be contrary to existing National and Development Plan policies designed to protect the countryside from unnecessary development, regard also needs to be had to other material considerations and, not least, the requirement to demonstrate and maintain a five year supply of housing land as set out in the NPPF. In this regard, however, it is considered that, over the immediate five year period, the contribution likely to be made to five year supply may be limited.

Whilst the majority of the site is located outside of Limits to Development as defined in the adopted Local Plan, having regard to its location adjacent to the existing settlement and its associated services, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefit from a presumption in favour of such development as set out in that document.

In terms of technical issues affecting the proposed development, the submitted Environmental Statement is considered to demonstrate these in an acceptable manner, and no significant concerns are raised in respect of the various impacts considered by the relevant statutory consultees.

Whilst the proposed development would, for viability reasons, be unable to support the full range of infrastructure requirements as sought by the relevant consultees, and proposes a reduced contribution to affordable housing, having regard to the NPPF's advice in respect of taking a flexible and proportionate approach to viability, and to the limited adverse affects that would occur as a result of the shortfalls in infrastructure provision, the view is taken that the proposals would, notwithstanding these issues, remain sustainable in NPPF terms. Approval is therefore recommended subject to appropriate Section 106 obligations and conditions.

RECOMMENDATION-

PERMIT, subject to Section 106 Obligations, and subject to the following conditions plus any other conditions as recommended by Leicestershire County Council's Principal Planning Archaeologist or as otherwise considered appropriate by the Head of Planning and Regeneration; and

Any subsequent reserved matters planning application(s) will be reserved for determined by the Planning Committee

- 1 No development shall take place within any phase of the development until such time as full details of the access to and within that phase, scale, layout, and appearance and landscaping (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the submitted details.

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

- 2 Application for approval of the reserved matters shall be submitted to the Local Planning Authority before the expiration of two years of the date of this permission or, in the case of phased development, application for approval of the reserved matters within the first phase shall be submitted to the Local Planning Authority before the expiration of two years of the date of this permission. In the case of phased development, all subsequent reserved matters applications shall be submitted to the Local Planning Authority before the expiration of 10 years of the date of this permission

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended), and to accord with the requirements of the Local Planning Authority's emerging policy relating to developer contributions.

- 3 The development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters to be approved or, in the case of phased development, before the expiration of one year from the date of approval of the last of the reserved matters to be approved in respect of the first phase.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended), and to accord with the requirements of the Local Planning Authority's emerging policy relating to developer contributions.

- 4 The proposed development shall be carried out strictly in accordance with the following plans:
 - Site location plan (EMS.2423_002 C) deposited with the Local Planning Authority on 15 July 2014

Reason - To determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, landscaping (including strategic landscaping),

density parameters and scale, as well as details of any proposed phasing of development (and including a timetable for the delivery of all non-residential uses in relation to the proposed dwellings). The masterplan shall accord with the principles of the submitted Design and Access Statement (including addendum). All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner, and to ensure that the proposed development delivers the proposed residential and non-residential development at the appropriate time.

6 A total of no more than 2,700 dwellings shall be erected.

Reason - To define the scope of this permission.

7 Unless otherwise provided for in this permission, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as precise details of all means of mitigation measures as set out in the Environmental Statement (including addendum), and including timetables for their provision, have been submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved details and timetables unless in accordance with any variation first agreed in writing by the Local Planning Authority.

Reason - To ensure the development and associated impacts take the form envisaged in the Environmental Statement.

8 No reserved matters applications shall be submitted until such time as a Design Code for the entirety of the site has been submitted to and agreed in writing by the Local Planning Authority. The Design Code shall substantially accord with the principles and parameters described and illustrated in the Design and Access Statement (including addendum), and demonstrate compliance with Building for Life 12 (or any subsequent replacement standard issued by the Design Council / CABI or any successor organisation). The development shall thereafter be carried out in accordance with the agreed details, or in accordance with any amendment to the Design Code subsequently agreed in writing by the Local Planning Authority.

Reason - To ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

9 All reserved matters applications submitted pursuant to this permission shall be accompanied by a statement setting out how the development to which the relevant reserved matters application relates complies with the Design Code agreed in respect of Condition 8 above.

Reason - To ensure an appropriate form of design, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.

- 10 Notwithstanding the submitted details, nor Condition 7 above, no work shall commence on site (or, in the case of phased development, in respect of the relevant phase) until such time as a scheme for the disposal of foul and surface water drainage from the site, together with a timetable for its implementation, and based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall demonstrate the surface water run-off generated up to and including the 1 in 100 year plus 30% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and include:
- Soakaway test results from locations across the site;
 - Full calculations for a range of storm events;
 - Overland flow routes and any mitigation measures; and
 - Details of how the scheme shall be maintained and managed after completion

No development shall be carried out, nor any part of the development brought into use, at any time unless in accordance with the agreed scheme and timetable.

Reason - To ensure that the development is provided with a satisfactory means of drainage, to prevent the increased risk of flooding, to provide habitat and amenity, to improve water quality, and in the interests of ensuring the safety, operational needs and integrity of the railway.

- 11 Notwithstanding the submitted details, nor Condition 7 above, unless any alternative timescale is first agreed in writing by the Local Planning Authority, the first reserved matters application shall include:
- Details of the fluvial model undertaken for the River Sence and its tributary; and
 - Details of the minimum freeboard height above the 1 in 100 year plus climate change level for all buildings

Reason - To ensure that the layout of the proposed development is acceptable in the context of the areas of flood risk.

- 12 Notwithstanding the submitted details, nor Condition 7 above, no development (save for demolition works) shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a further Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority. The Risk Based Land Contamination Assessment shall identify all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site and shall be carried out in accordance with:
- BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
 - BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and,
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

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

- 13 If, pursuant to Condition 12 above, any unacceptable risks are identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004, and the Verification Plan shall be prepared in accordance with the requirements of Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010, and CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004. If, during the course of development, previously unidentified contamination is discovered, development shall cease on the affected part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the agreed details and thereafter be so maintained.

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

- 14 None of the development hereby permitted shall be brought into use until such time as a Verification Investigation for the relevant part of the site has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. No part of the development (or, in the case of phased development, no part of the relevant phase) shall be brought into use until such time as a report showing the findings of the Verification Investigation has been submitted to and agreed in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

- 15 There shall be no infiltration of surface water drainage into the ground at any time other than in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To protect controlled waters receptors.

- 16 Notwithstanding the submitted details, nor Conditions 5 and 7 above, unless any alternative timescale is first agreed in writing by the Local Planning Authority, the first reserved matters application in respect on any part of the site located to the south of Grange Road shall include details of a proposed buffer zone to the River Sence, together with a proposed strategy for limiting built development within this zone. All subsequent reserved matters applications shall be in accordance with the approved zone and strategy unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority.

Reason - To maintain a wildlife corridor and protect the habitat and biodiversity of the River Sence Candidate Local Wildlife Site.

- 17 Notwithstanding the submitted details, nor Condition 7 above, no development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a timetable for the undertaking of updated surveys in respect of great crested newts, badger, bats and lizard in relation to commencement of site works on the relevant phase (and including the specification of maximum periods between undertaking of surveys and commencement of work on the relevant phase) has been submitted to and agreed in writing by the Local Planning Authority. No development shall thereafter be undertaken at any time unless the relevant surveys have been undertaken and the results (including mitigation measures and a timetable for such mitigation where appropriate) have been submitted to and agreed in writing by the Local Planning Authority, and the development shall thereafter be undertaken strictly in accordance with the agreed mitigation measures and timetable.

Reason - In the interests of nature conservation.

- 18 Notwithstanding Condition 17 above, no demolition in respect of the existing dwelling at 104 Forest Road shall take place at any time other than in accordance with the recommendations set out in Section 5 of the submitted Bat Emergence Survey dated 28 July 2014 prepared by C B E Consulting.

Reason - In the interests of nature conservation.

- 19 No hedgerows, trees or shrubs shall be removed during the months of March to August inclusive unless first agreed in writing by the Local Planning Authority. Should nesting birds be found during construction work, all work within 5 metres of the nest shall cease immediately, and shall not resume until such time as the young have left the nest.

Reason - In the interests of nature conservation.

- 20 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order), the total gross floorspace of uses falling within Classes A1, A2, A3, A4 and A5 of that Order shall not exceed 2,500 square metres at any time, unless planning permission has first been granted by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, for the avoidance of doubt, to ensure satisfactory control over the impact of the development on nearby centres, and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 21 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order) nor Condition 20 above, no individual unit used for purposes falling within Class A1 of that Order shall exceed a gross floorspace of 2,000 square metres at any time, unless planning permission has first been granted for such additional floorspace by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, for the avoidance of doubt, to ensure satisfactory control over the impact of the development on nearby centres, and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 22 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order) nor Condition 20 above, no individual unit used for purposes falling within Class A4 of that Order shall exceed a gross floorspace of 499 square metres at any time, unless planning permission has first been granted for such additional floorspace by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, for the avoidance of doubt, to ensure satisfactory control over the impact of the development on nearby centres, and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 23 No works shall be undertaken within 10 metres of the adjacent railway unless in accordance with a method statement for the works first submitted to and agreed in writing by the Local Planning Authority in consultation with Network Rail.

Reason - In the interests of ensuring the safety, operational needs and integrity of the railway.

- 24 No work shall commence on site (or, in the case of phased development on any phase falling within 10 metres of the adjacent railway) until such time as precise details of all measures designed to prevent unauthorised and / or accidental vehicular or pedestrian access onto the railway (together with a timetable for their implementation) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable, and the agreed measures shall thereafter be so maintained.

Reason - In the interests of ensuring the safety, operational needs and integrity of the railway.

- 25 No external lighting shall be installed on site (and including during the construction phase) unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - In the interests of the amenities of the area, in the interests of nature conservation, in the interests of rail safety and to comply with Policy E4 of the North West Leicestershire Local Plan.

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

scheme of works.

Reason - In the interests of railway safety.

- 27 Notwithstanding Conditions 1, 2, 3 and 5 above, the first reserved matters application shall include a vehicular access strategy for the whole of the site setting out indicative details of vehicular, cycle and pedestrian access into the site, along with principal routes through the site (and including a timetable for the delivery of the access routes in relation to the proposed development).

Reason - To ensure the development provides for appropriate forms of access at the reserved matters stage, and to ensure that the wider highway network impacts reflect those as assessed in the submitted Transport Assessment and Environmental Statement.

- 28 Notwithstanding Conditions 1, 2, 3 and 27 above, no more than 400 dwellings shall be accessed off a single point of vehicular access.

Reason - To ensure safe and adequate access between the development and the wider highway network, and to comply with policy T3 of the North West Leicestershire Local Plan.

- 29 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a construction vehicle management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

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

- 30 Notwithstanding the submitted details, nor Condition 7 above, no development shall commence on the site until such time as an updated Framework Travel Plan, and including measures designed to reduce the amount of single occupancy car journeys to and from the site together with timetables for the implementation of the proposed measures, has been submitted to and agreed in writing by the Local Planning Authority.

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

- 31 Notwithstanding the submitted details, nor Condition 7 above, all reserved matters applications for each phase of development containing buildings shall be accompanied by a land-use specific Travel Plan for the whole of the relevant phase (based on the principles set out in the Framework Travel Plan agreed pursuant to Condition 30 above and including timetables for the implementation of the proposed measures). The development within the relevant phase shall thereafter be undertaken and occupied, and the Travel Plan's measures implemented, in accordance with the agreed Travel Plan and timetable.

Reason - To ensure that adequate steps are taken to provide transport choice / a choice in

mode of travel to and from the site.

- 32 Notwithstanding the submitted details, nor Condition 7 above, the first reserved matters application submitted in respect on any part of the site located to the north of Grange Road shall be accompanied by a scheme for the provision of a continuous route suitable for use by buses through that part of the site. All subsequent reserved matters applications relating to that part of the site shall be in accordance with the scheme unless any alteration to the scheme is first agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to provide a transport choice / a choice in mode of travel to / from the site, and to ensure connectivity with Coalville town centre.

- 33 Notwithstanding the submitted details, nor Condition 7 above, the first reserved matters application submitted in respect on any part of the site located to the south of Grange Road shall be accompanied by a scheme for the provision of a continuous route suitable for use by buses through that part of the site. All subsequent reserved matters applications relating to that part of the site shall be in accordance with the scheme unless any alteration to the scheme is first agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to provide a transport choice / a choice in mode of travel to / from the site, and to ensure connectivity with Coalville town centre.

- 34 None of the development within that part of the site located to the south of Grange Road shall be brought into use until such a time as a scheme of mitigation measures at the Beveridge Lane / Whitehill Road / Midland Road / Ibstock Road double mini-roundabout junction in Ellistown has been undertaken and implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure that adequate steps are taken to mitigate the vehicular impact of the development.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
 - Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).
 - Gas emissions from coal mines including methane and carbon dioxide.

- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

- 3 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 4 Your attention is drawn to the attached report of the Environment Agency.
- 5 Your attention is drawn to the attached report of the Highways Agency.
- 6 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highways and transportation matters.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer.
- 8 Your attention is drawn to the attached report of Natural England.
- 9 Your attention is drawn to the attached report of the National Forest Company; the applicants are advised to have regard to the advice provided when formulating the

- detailed proposals at the reserved matters stage(s).
- 10 Your attention is drawn to the attached report of Network Rail.
- 11 The applicants are advised that the Local Planning Authority will be likely to require the Design Code submitted pursuant to Condition 8 above to be subject to independent review by the regional Design Review Panel (OPUN), and that the Code will be expected to have regard to the previously approved Code for the site to the north of Grange Road so as to ensure a holistic sense of place is created.
- 12 The applicants are advised that the Local Planning Authority will require any relevant reserved matters applications to be devised having regard to a street typology framework consistent with other sites within the wider South East Coalville area.
- 13 The applicants are advised that, with the exception of the primary road connections, all streets (including the village centre within the development) will need to be designed to enable the implementation of a maximum 20mph speed limit.
- 14 The applicants are advised that all properties should be provided with a minimum of two parking spaces increasing to three spaces for four bedrooms homes and above regardless of tenure, and that all parking spaces should accord with the requirements of the 6Cs Design Guide.
- 15 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk
- 16 For the avoidance of doubt, all references within phases of development within the conditions above should be construed as being those phases of development to be set out and agreed pursuant to Condition 5.
- 17 This decision is in accordance with the resolution of the Planning Committee of 2 December 2014 and is subject to a Section 106 Obligation.