

# **UPDATE SHEET**

## **PLANNING COMMITTEE – 10 March 2015**

**To be read in conjunction with the  
Head of Planning and Regeneration's Report (and Agenda)  
This list sets out: -**

- (a) Additional information received after the preparation of the main reports;**
- (b) Amendments to Conditions;**
- (c) Changes to Recommendations**

### **MAIN REPORT**

<b>A1</b>	<b>14/00273/FULM</b>	<b>Erection of 77 dwellings, including vehicular access, pedestrian links, public open space, car parking, landscaping and drainage</b> Land North East of Atherstone Road, Measham
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### **Additional Consultee Responses**

#### **Leicestershire Police**

An updated response has been received from Leicestershire Police amending and reiterating its request for developer contributions; the total contribution now sought is reduced to £28,863.

Given that the developer has indicated its willingness to pay the Police contribution that is requested, there is no reason for the Local Planning Authority to fundamentally challenge it. Notwithstanding this, officers have assessed the details of the Police request, and have concluded that a convincing case has been made that the start-up costs, vehicles and additional call handling are appropriate. Officers have not been convinced that the remaining requested contributions, as specific to this proposal, fully meet the CIL compliance requirements. It may therefore be appropriate for agreed contributions to the police, over and above those that the Local Planning Authority considers has been thoroughly and robustly demonstrated to be CIL compliant, to be secured by way of a unilateral undertaking by the applicant. For the avoidance of doubt, the CIL compliant elements of the request should be included within the Section 106 agreement.

It is long established that the purpose of planning obligations is to enable development proposals that would otherwise be unacceptable, to become acceptable. This is because the

adverse impact/s of the development will be adequately mitigated by the developer contribution/s.

For the purposes of decision making, in this instance, the Local Planning Authority is satisfied that the applicant and the Police have reached an agreement between them about the contribution that is to be paid. It follows that, for the purposes of deciding the planning application in question, the proposed development will not directly cause an adverse impact on the ability of the Police to discharge its duties.”

### **Leicestershire County Council Archaeology**

The County Archaeologist raises no objections subject to the imposition of conditions (including in respect of a scheme of trial trenching).

### **Other Issues**

In response to the submission of the latest amendments to the proposed layout, the District Council’s Urban Designer has provided an updated consultation response, based upon Building for Life 12. This indicates that, of the 12 Building for Life criteria, the scheme would achieve “Greens” in respect of 9, with the remainder being “Amber”, and the District Council’s Urban Designer considers that the assessment demonstrates that the development offers a good standard of design.

In respect of those criteria in respect of which an “Amber” rating would be achieved, one (Streets for All) is largely reflective of current issues that are being addressed as part of the review of the 6Cs design guide. In terms of the others (Public and Private Spaces and External Storage and Amenity Space), the District Council’s Urban Designer considers that these can be addressed by way of conditions which, following completion of the development, could allow “Green” indicators to be secured. The conditions suggested to be attached are already included within the list of conditions recommended within the main report.

### **RECOMMENDATION - ADD CONDITION AND NOTES TO APPLICANT:**

#### **Conditions**

- 37 No development shall commence on the site until such time as a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
  - The programme for post-investigation assessment;
  - Provision to be made for analysis of the site investigation and recording;
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - Provision to be made for archive deposition of the analysis and records of the site investigation;
  - Nomination of a competent person or persons / organisation to undertake the works set out within the Written Scheme of Investigation;
  - A timetable for implementation

No development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation and timetable. None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason - To ensure satisfactory archaeological investigation and recording.*

**Notes to Applicant**

- 16 Your attention is drawn to the attached Building for Life 12 assessment. The applicants are advised that, in submitting discharge of condition information, regard should be had to the likely requirements as set out in the assessment.
- 17 Your attention is drawn to the attached report of Leicestershire County Council's Principal Planning Archaeologist.

## JAMES KNIGHTLEY

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**From:** Lambert Michael [Michael.Lambert@leicestershire.pnn.police.uk]  
**Sent:** 03 March 2015 15:02  
**To:** JAMES KNIGHTLEY  
**Cc:** JIM NEWTON  
**Subject:** FW: 14/00273/FULM, 77 at Measham  
**Attachments:** NWL 77 at Atherstone Road Measham at 3-3-15.doc; Appendix 6 ACPO statement on finance..doc; Current budget and commentary 004.jpg; Current budget and commentary 001.jpg; Current budget and commentary 002.jpg; Current budget and commentary 003.jpg; READONLY.PDF; APPEAL DECISION.PDF; Land north of Bill Crane Way, Lutterworth, Leics Decision..pdf; READONLY.PDF; READONLY.PDF; DECISION.PDF; 14-04-08 3-in-1 Mountsorrel Lane Charnwood 2196928.pdf; 14-04-17 3-in-1 Crowfoot Way Harborough 2183563.pdf; Appeal Decisions.pdf; Appendix 6 Growth Impact Assessment 143331140128[1].pdf; advice acpo 2014 Final.doc; 14-09-22 IR Sketchley House Hinckley 2208318.pdf; 14-11-18 FINAL DL Sketchley House Hinckley 2208318.pdf; APPEAL DECISION.PDF; APPEAL DECISION.PDF; READONLY.PDF; Decision Letter.pdf; 2216085 Decision letter.pdf

Dear James

Your letter sent snail mail on the 19/2 reached me on Friday last week. I see that you are reporting on the case to Cttee on the 10<sup>th</sup> with the agenda published midnight last night.

Can I ask that in future you make contact via email so that we have reasonable time to provide a response and especially if your intention is to report.

I made our consultation response on the 20/5/14 on this case and have had no contact since then. I did ask to be kept posted on the progress of the application our objection and contribution request.

I need to bring our request up to date and now do so as attached. The update considers legal opinions on Policing contributions, the findings of Judge Foskett at review, a number of evidential matters including some to which you refer, the material appeals situation that now applies and further evidence on our financial situation.

The answer to your question 1 is considered in this updated request and I have changed the colour of the wording to green so that you can easily find this.

Your question 2 Again content in the attached now in red to assist you. This is hard evidence from our logs here and I cannot therefore agree that this is excessive – it is reality. This is a reliable and readily comparable means of isolating policing demand and crime. These levels are indeed what should be reasonably expected as a result of the development. Police are the responsible body here and we are providing actual data we rely upon to deliver the service with the beat as the lowest level of deployment. Two other factors for you to consider and that is dealing with recorded crime only reflects about 25% of the demands placed upon us. Secondly that demand does not just relate to a parish or village as many residents travel beyond this eg to work or school or for leisure and place demands on Policing and/or are the victims, or indeed perpetrators, of crime in these locations as well. For all these reasons we use beat as the comparable data for crime and Policing demand. Parish only or village only data will not do this.

Our ability to robustly capture Policing demand and deployment is a matter considered in all the attached appeals where Inspectors and the Secretary of State were content as to necessity/compliance of our case based on these. I invite you to share this view. I would be happy to consider any evidence you are relying on to express the opinion that you do. I ask you to consider the actual evidence I have provided.

Turning to your Committee report I assume that this was drafted at the time you requested further information and that your intention was that an update would be issued once I had time to look at this, as detailed in this response and updated request. Having given us the time you did it would perhaps be unreasonable to conclude on compliance without the opportunity to consider this response.

Please include our objection to the development on acceptability and sustainability grounds. We can review this where contributions are secured.

Origin of occupiers- see above and attached in green.

Request is related to the scale and kind of residential development in the beat. That must be clear from all we have provided.

Vehicles. The difference between us appears to be the longevity of this infrastructure. It is a matter of fact that in the 24/7 three shift demand that we put on vehicles they just don't last like any other PSVs. We can't ask developers to fund in perpetuity, sadly [although CIL is capable of allowing this] and so we need to agree a timescale. Other contributions consider a 5 year period eg for maintenance of play equipment or open space. Agreements usually have a 5 year life eg in clawback/repayment clauses. We conclude that this is a reasonable duration for a contribution. All the appeal decisions agree as do most other LPAs.

Additional radio capacity. What you say is not true. We maintain this infrastructure at the capacity of existing traffic and we relate this back to existing households and the Policing demands of these. Increase that demand and we need to increase the capacity. It's a proportionate approach by scale and kind of residential development. A small but nevertheless necessary amount spent on systems hardware like servers and the like.

Additional call handling. Calculation is by comparison with existing local call demand and I isolate precisely on this basis the additional demand this particular development will bring. The calculations are in red in the attached.

ANPR. The development on its own would not warrant a camera. A part and proportionate contribution is sought with other additional development and/or Police funding meeting the rest of the unit cost. Triggered as elsewhere by development which is extending the built area and population base. The location of the development is highly accessible for crime and the development would particularly benefit from a camera near its main access.

The CIL testing in our methodology has been extended to consider this matter and particularly the need, as the last Inspector put it, to achieve critical mass to ensure delivery. Blue in the attached.

Mobile CCTV. Repeats your comments and I do likewise. We believe a part contribution is compliant. Please note the nature of this technology and the extended demand patterns we are trying to address. Part contribution reasonable reflecting that deployment is not to this development solely. Triggered by development which is extending the built area and population base. We are not saying that these technologies are not required and would not secure particular benefit if deployed to the current locality anyway.

Premises. I am re evidencing additional Policing demand from this development to take account of recent changes in staffing and use of premises. It is inescapable from this information that the development will add demand with impacts in both areas. We have made an impact case in relation to this particular development and based upon what services we deliver from each of our locations which already serve the locality. Page 2 and 3 of my requests say what we deliver from where and the reason, economies of scale, that we use premises in the way that we do. If anything this updated request shows how we will reduce unused infrastructure to run to capacity. You have the opportunity to compare the reduced floorspace across the force that results from our drive to minimise premises use – it goes down from 15m<sup>2</sup> to 14 m<sup>2</sup> per staff member. We give you the necessary commitment to manage this contribution and normally s106 clauses reflect this. The reality will be that we pool premises contributions however we cannot escape the particular demands this development will bring – why would this be different to existing and similar housing in the locality and what we deploy to deliver Policing to this?

Hub equipment. The development will add to the demands at the local hub. We will minimise capacity when ever we can. Why shouldn't the development make a very small contribution to offset the additional demands it will bring to the hub and especially as new residents find their feet in the locality and its crime and community safety attributes.

All of these items regularly accepted as CIL compliant/necessary in all the attached appeals and by most Districts. Frankly in this material position I do not understand how you can say that Police are failing to meet the necessity/compliance tests in this case. Compared with what other services submit we are confident that we provide all that is necessary to find compliance. Please consider and update your report accordingly.

Best regards

Michael Lambert  
Growth and Design Officer  
Leicestershire Police  
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Contact: Michael Lambert  
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(extension 2201)  
Our Ref: 17/14  
Council Ref 14/00273/FULM

**James Knightley,  
Planning and Development Team,  
North West Leicestershire District Council,  
Council Offices,  
Whitwick Road,  
Coalville,**

3/3/15

Dear James

**RE: 77 dwellings, Atherstone Road, Measham.**

Thank you for your letter of the 19/2/15. I am updating our request to take account of legal opinions on the subject, the findings of Judge Foskett at review, a number of evidential matters including some to which you refer and the now material appeals situation. This update includes our latest evidence base which supports our request and indeed further evidence on our financial situation. My original is now over 9 months old and the matters I now include are material at this time. You will be aware from our most recent requests that we now include this information as a matter of course.

#### **The nature of the development**

The application proposes to extend the size of Measham by building on an open field to the south of the settlement and with access from Atherstone Road. 77 houses are to be built and looking at the proposed layout and plot sizes, these will be for family housing not dissimilar to that in the settlement as existing and as developed in the last 20 years. This provides a reliable basis for gathering "baseline" data in terms of local policing demand and deployment.

#### **Current levels of local Policing demand**



Policing is a 24/7 service resourced to respond and deploy on an "on demand" and "equal access" basis and is wholly dependent on a range of facilities for staff to deliver this. Calls and deployments via our control room at Force Headquarters Enderby are monitored and can give an indication of the level of service demand in different areas such as to the 39,100 existing households in NWL District and the 6219 households in the Forest beat.

In the 2013 year we dealt with 71354 calls from NWL District, we dispatched emergency attendances to 9034 locations and non emergency follow ups to 5313 addresses. Attributing to the beat 11194 calls were handled, emergency attendances were sent to 1446 addresses and there were 852 non emergency attendances.

The beat consists Measham and other settlements in countryside in the west of NWL District. There were 495 recorded crime incidents in the last year in the beat and these were primarily located in its built up areas. In the housing nearest the site there is an even spread of incidents with burglary and vehicle related crime the main elements. Forcewide the trend in total crime has continued since 2/12, burglary peaked through 2013 and 2014 and vehicle crime is increasing. Trends in the beat reflect these. In addition Police deal with Anti Social Behaviour incidents and there were 1764 of these in 2013/14 at District level and 282 in the beat.

Perhaps a further demonstration of response to demand is the regular patrolling of the locality and local community contact maintained by the Neighbourhood Policing team located at Coalville station.

#### **Current levels of deployment and infrastructures to Police NWL District.**

**Staff** delivering Policing to the locality are spread across the following functions:

- 108 staff in Coalville station and in the Loughborough response hub.



- 5 staff in the County Command Unit at Loughborough delivering investigations, intelligence, additional response Policing and management
- in delivery teams mainly at Force HQ Enderby - Criminal justice including courts case management and prisoner detention and processing, control centre/contact management, Intelligence research, Operations planning, dogs and firearms, special branch, forensic, Road Policing, Workshops/garages, Tactical Support Group, Road Safety Unit, IT and communications, Safeguarding/ vulnerability, Child abuse team, Economic crime team and in Regional/major crime working.
- in organisational support functions at Force HQ Enderby providing finance, human resources, welfare, estates, training and top level management of the Force. 158 staff are employed delivering these latter two functions to NWL LPU/District area.

271 staff deliver Policing to NWL District

Because of the integrated nature of Policing - there no longer being one local police station serving all the local need - all these functions will be called upon to deliver Policing to the proposed development. Across our 271 staff employed to deliver Policing to NWL, Policing an existing development of this size would equate to the time of 53% of an existing member of staff. Staffing levels are under constant review to ensure that minimum numbers are deployed to meet existing levels of Policing demand. This has the benefit of saving costs, but as a result there is no additional capacity to extend existing staffing to cover additional development. The methodology here is we employ 271 staff to the 39100 existing households in NWL district at a ratio of 144 households to one member of staff. 77 households are proposed representing 53% of an existing staff members/time.

Where additional development is proposed we will seek to deploy additional staffing and additional infrastructures at the same level that is





required to deliver Policing to the locality. It would be complacent not to do this because additional pressure will be put on existing staff and our capital infrastructures and this will seriously undermine our ability to meet the Policing needs of this development and maintain the current level of Policing to the rest of the beat and across NWL District. The impacts of the development are so significant that they cannot be met without additional staff deployed at a level consistent with current Policing of the locality.

The Following infrastructure is required for all Policing activities in NW Leicestershire;

***Personal equipment for staff*** comprising workstations, radios, protective equipment, uniforms and bespoke training in the use of these. In general we retain this equipment when existing staff leave and are replaced however additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be re used eg with uniforms or where technology has moved on.

***Police vehicles*** of varying types and functions covering existing patterns of development and community demand. The 35 fully equipped vehicle fleet serving NWL is kept at a level to meet existing patterns of demand with reductions made whenever possible. Policing demand is used to isolate the local fleet rather than staffing because staff use of vehicles varies by their function with many not using vehicles at all to deliver policing. Vehicles are used by staff on patrol, deployed to deal with emergency responses, apprehending suspects and for follow up of recorded crimes eg by Scene of Crimes Officers. This includes transporting victims and suspects and the use of additional comms equipment in vehicles to effectively deliver local Policing. Staff also depend on vehicles for their safety.



**Radio cover** in the form of 8 base stations sufficient to cover the existing pattern of development and investment in hardware, signal strengthening and re direction to ensure the capacity of this system to meet existing call levels at £20,000 pa.

**Police National Database** availability and interrogation again with hardware costs to ensure this capacity of £10240 pa. The system is now at planned capacity including dealing with 3128 hits pa as a result of Policing the existing communities of NW Leicestershire.

**Control room telephony** We employ 21 staff to take and deploy responses to calls from NWL District. The control centre is maintained to capacity use and there are particular times when our telephony runs close to overload eg at weekends and evenings.

**CCTV technologies** including 11 ANPR cameras at strategic road locations in the district to detect crime related vehicle movements. Beyond NW Leicestershire mobile units are deployed with local partners to detect and deter crime at hotspots. These have in the past been deployed as funding has permitted, including s106 receipts, in an attempt to cover the existing pattern and size of development. There is no capacity to meet the additional demands that growth places upon these. New developments should benefit from the same technology as elsewhere in the Police District where it has been shown to detect and deter crime.

**Hub access points** with 8 beat drop in hubs already functioning in the District. These are established where partners offer premises cost free and again in an attempt to cover the existing pattern and size of development. They need to be equipped and where additional development is proposed, with increases in demand for this deployment, we seek developer contributions for additional equipment and local crime initiatives.



**Premises** sufficient to accommodate the staff and services outlined above in NWL District and beyond and particularly at Force HQ Enderby. The Force have an active estates review function minimising our premises need to meet existing Policing demand. We just can't afford to have buildings under used and will dispose of these wherever necessary using receipts to re invest where there are known difficulties.

The building at Coalville is used to capacity accommodating existing staff and essential Policing functions and the age and condition of the building is a further constraint on this. Our 2009 asset review concluded the building was in poor condition with no major upgrades since it was built in 1979. Relocation to a replacement building was preferred however Police are now considering rebuilding a replacement on the existing site. The development will bring additional demands for staff accommodation in Coalville. The BCU facility which serves the settlement from Loughborough has recently been redeveloped to meet existing policing needs. This will need to be expanded to cater for additional staffing as a result of the development.

Turning to Force HQ a number of specialist functions and support teams are located at our 11 hectare site. Typical is our control room at capacity at peak times and where 21 existing staff are employed to process existing calls from NWL District. Additional staff will need to be employed to take additional calls from the new development and to deploy our resources as responses to these. These additional staff will need to be accommodated.

**Other capital infrastructures** such as specialist equipment in use by Forensics, our tactical teams eg in firearms and dog handling, freestanding IT and data recording in relation to vulnerable groups, prisoner detention, transportation and processing including cells at core



locations. At the moment there is limited capacity in these infrastructures and we do not seek developer contributions to expand them.

**The disposition of Leicestershire Police as regards major growth development and our budget.**

A primary issue for Leicestershire Police is to ensure that new development of this scale makes adequate provision for the future Policing needs that it will generate. Like some other public services our primary funding is insufficient to be able to add capital infrastructures to support major new development when and wherever this occurs. Further there are no bespoke capital funding regimes, eg like Building Schools for the Future or the Health Lift, to provide capital re investment in our facilities. We fund capital infrastructures by borrowing. However, in a service where over 90% of our budget is staffing related, our capital programme can only be used to overcome pressing issues with our existing facilities eg premises replacement Coalville, or to re provide essential facilities like vehicles once these can no longer be used. This situation has been recognised by the Association of Chief Police Officers nationally for some time and there are public statements which explain our particular funding difficulties. The position of Police funding was examined and verified by external consultants employed by Local Councils - The Leicestershire Growth Impact Assessment of 2009 which concluded in relation to Policing at para 82 that *"It is sensible to assume that most of the capital requirements incurred by growth will not be covered by existing mainstream central and local funding"*. I attach these documents for your reference.

I also attach our current budget for your attention together with an annotated commentary. The budget forms part of our accounts which have been audited as accurate and satisfactory and these have been presented to LPAs in the past. This evidences our position, that our revenue sources [line f in attached] even when added to as a result of additional housing [ line a in attached] are only sufficient to maintain existing staffing [ these costs included at lines c in the attached]. This demonstrates that we use additional income from additional



housing to pay for staffing. From the figures, whilst we will struggle to meet these additional costs and we can maintain/plan around our existing infrastructures in doing this, these sources are insufficient to add capacity to our capital infrastructures the need for which is triggered by additional development.

The budget shows that there is just no financial scope to do this. Thus we use our funds as far as they stretch to meet the demands of an expanding population, overwhelmingly for staffing, however as I have said it is the limit of these funds that propels our requests. This situation also prevails in all other public services seeking contributions and there is nothing different here as far as Policing is concerned. What is different is that Police do not enjoy effective capital income from the usual external public taxation sources. This effectively evidences that Police do not make requests where we have other funds that will meet our needs.

The reality of this financial situation is a major factor in our advance planning and alignment with plans for growth in that whilst we can plan using our revenue resources to meet our ongoing, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in our capital infrastructures. That is why all Plan documents across our area include additional capital infrastructure to accompany growth, and that is what NPPF expects in its assertions about inclusive infrastructure planning and the delivery of this by Planning. You can evidence the latter by referring to our Core Strategy submissions and the infrastructure schedule in your Core Strategy Topic Plan.

Some developers have sought to suggest that additional housing does not lead to increases in population whilst others accept in proposing legal agreements " as with all new residential development the new homes provided and the new population that they will create will have some impact on the local services and infrastructure within x". Applicants promote their schemes on the basis of increases in population growth supporting local shops and services and that they attract people to the area. Further



- it is a fact that population and in migration to Leicestershire is increasing. Indeed developers have recently commissioned Barton Willmore to prepare an alternative SHMA for the sub region. They conclude based on additional population and employment migration that an additional 7,000 dwellings per year are required in Leicestershire.
  - re occupation of vacated housing as people move to the new development will maintain existing levels of Policing demand in addition to the new demands of additional development.
  - new housing cannot just accommodate a static population moving around because if that were the case there would be no need to increase housing stock
  - assuming new populations is a pragmatic stance used by all services responding to growth with contribution requests, not just Police. This is the inescapable conclusion in the Barrow Upon Soar Secretary of State decision referred to below and "obvious" in the consideration of Judge Foskett in the recent Police JR case also referred to below.
- In response to this theoretical assertion, using up to date census information, which takes account of additional households and people, including the effects of migration, is the sensible way to establish service demand comparables.

Faced with unprecedented levels of growth being proposed across our sub region Leicestershire Police have resolved to seek developer contributions to ensure that existing levels of service can be maintained as this growth takes place. We are a regular and constant participant in the statutory Planning process evidencing the impact of growth through work with local Councils in their Plan making, preparation of guidance, preparations for CIL and the consideration of individual Planning applications including attendance at appeals. Police nationally encourage this approach to offset the impact of growth on the Police service.

#### **The Policing impact of 77 new houses at the site.**

The proposed development will increase the overnight population of this settlement by 184 people. It is a fact that 77 additional houses will bring





additional Policing demands and particularly as there is no Policing demand from what is currently open fields. I do not doubt that there will be a corresponding increase in crime and demand from new residents for Policing services across a wide spectrum of support and intervention as they go about their daily lives at the site, in NW Leicestershire, and across the Policing subregion.

Empirical data based on existing crime patterns, and policing demand and deployment from adjoining residential areas indicates the direct and additional impacts of the development on local Policing that will be manifested in demand and responses in the following areas-

- 139 additional calls and responses per year via our control centre.
- Attendance to an additional 18 emergency events within the proposed development and locality each year.
- 11 additional non emergency events to follow up with public contact each year.
- 6 additional recorded crimes in the locality per year based on beat crime and household data. In addition 3 recorded anti social behaviour incidents each year within the new development and locality.
- The demand for increased patrol cover.
- Additional vehicle use relating to 14% of an additional vehicle over a 6 year period.
- Additional calls on our Airwaves system where our funding seeks to maintain capacity for call demand at current levels.
- Additional use of our PND systems to process and store crime records and intelligence and based on existing levels of use equating to 6 additional hits and data entries per year.
- Additional demand for deployment of Mobile CCTV technologies
- Additional demand for local access to beat staff from Coalville station.
- Additional Policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.



### **Planning Policy justifications for a Policing contribution**

The National Policy position to support our request exists in NPPF. Securing sufficient facilities and services to meet local needs is a Core Planning Principle [para 17]. Planning is to deliver facilities and services that communities need [para 70] and Supplementary Planning documents can assist applicants in this. Plan policies should deliver the provision of security infrastructure and other local facilities [para 156]. Plan policy and decision making should be seamless [para 186]. Infrastructure Planning should accompany development planning by LPAs [177] who should work collaboratively with infrastructure Providers [162]. NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life, the health of communities and community cohesion [58 and 69] and Planning Policies and decisions should deliver this.

Your existing Local Plan identifies the capacity of local infrastructure as a criteria for consideration in land release for development. The need for Policing contributions is identified in the County Councils adopted requirements policy. Objective SO10 of your draft Core Strategy sought to improve community safety, reduce crime, the fear of crime and anti-social behaviour. Adding housing without adequate provision for additional Policing infrastructures is contrary to this objective. CS22 had over arching Policy for developer contributions to ensure the provision of infrastructure in step with additional development.

Working in partnership Police have supplied our infrastructure requirements to inform the Councils infrastructure Plan to accompany your draft Core Strategy. The Council has accepted these requirements which featured in a topic paper. The approach in this letter is entirely consistent with that in the emerging Core Strategy. 7138 additional houses are planned in the District with the 77 additional units proposed in this application, if approved, part of this planned growth or additional to it. I believe these submissions show our efforts to ensure that significant growth being pursued in NW Leicestershire is accompanied by infrastructure Planning including that for Policing.





### **The Police contribution request**

£28863 is sought to mitigate the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because, like some other services, we do not have the funding ability to respond to growth proposed. We anticipate using local rates and Home Office revenues to pay for staff salaries and our day to day routine additional costs [eg call charges on telephony and Airwaves, vehicle maintenance and so on].

Police expect to agree a programme to procure these additional facilities and have no difficulty including this as a clause in a legal agreement. We are committed to procure these items subject to the contribution sought. Contributions are only sought that are related in scale and kind to the development and so some infrastructures will not be entirely funded as a result. Police will pay the remaining amount if no other developers contribute towards Policing in NW Leicestershire. This will mean that funds will have to be diverted away from other areas of deployment which is less than ideal but ensures that front line services are maintained. Information presented here has been gleaned from across the Force from lead officers responsible for delivering these infrastructures/facilities.

As a further justification of our request, we confirm that the contribution will be used wholly to meet the direct impacts of this development and wholly in delivering Policing to it. Without the development in place it is reasonable to forecast the impacts it will generate using information about the known Policing demands of comparable local development. We believe the Framework encourages this.

The development should make provision to mitigate the direct and additional Policing impacts it will generate and cannot depend on the Police to just absorb these within existing facilities with limited capacities and where Police have no flexibility in our funding to do this. This has been the situation since 2006 when



Leicestershire Police started to seek contributions. It is not forced by current spending reductions although strictures across the public sector re-enforce the need to ensure developments mitigate the direct impacts they cause.

Because of the very serious implications for Policing of major developments, like this one, Police nationally have taken advice about the best way to proceed in the transition period prior to the CIL regime. As a result Leicestershire Police no longer make requests based on a formula but solely in relation to the development under consideration; its direct impacts on Policing and the necessary mitigations that it should provide. I should add that this is consistent with Inspector and Secretary of State views in recent appeal decisions. What follows is a detailed explanation of Methodologies used to calculate the contribution and our application of the NPPF tests to justify each part.

### **Mitigation of impacts and methodologies identified by Leicestershire Police**

**Baseline background.** At December 2013 total floorspace occupied by the Force to deliver Policing to this locality and the subregion more generally was 48726m<sup>2</sup>. We employed 3540 staff to do this. Existing households in the Police district [2011 census] was 405,500 with 39100 in NWL District. Across the Force 271 Police staff deliver Policing to the District.

Households to staff for NWL District is 144:1

Floorspace to staff Forcewide is 14 m<sup>2</sup>.

### **Equipping staff.**

Additional staff needed to Police the development will require additional equipment.

For a Police Officer the additional equipment items are uniform £873, radio £525, Workstation £1508, De Montford University foundation/basic accreditation £2333, Other external Training £2182. Uniformed officers work in shifts where workstations can be shared and as a result start up cost will be £7421 per uniformed officer.



For other staff the additional equipment items are workstation £2286 and training £687, total £2973.

We employ staff to officers at a ratio of 0.33 to 0.66 and so the average cost of equipping a new member of staff is £5879.

Because the development is forecast to generate the need for 53% additional members of staff the contribution for equipment should be **£3116** from this new development.

The Force could not have officers attending this development with less than adequate equipment with un-necessary risks to themselves and occupiers served.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are Planning considerations and the Councils Core Strategy content further demonstrates this. The Framework identifies the need to achieve security in new development and makes provisions to deliver this through the planning system. Deployment of equipped staff is fundamental to delivering community safety and mitigating crime.

*Is it directly related to the development?*

The Policing demands of this development are identified and Police mitigation of these can only be delivered by adequately equipped staff.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate are known by comparison with local residential development. That is the only satisfactory way of determining the need from development that is not yet built. Such comparables are used in identifying the impact of additional populations on most if not all public services. Demand and mitigations have been determined by the scale of the development. The Inspector's observations in the Tickow



appeal are noted in relation to training costs. However, the costs sought are one off additional expenses that arise directly as a result of the additional demand for Officers created by the development. The costs associated with further professional development are not sought. Furthermore, while historically there may have been a concern with seeking revenue costs (and it is acknowledged that training falls within that category), the appropriate tests against which contributions are now to be measured are those found within the CIL Regs and para 204 NPPF. Those tests do not discriminate between different types of infrastructure and in any event, many agreements lawfully include contributions that might also be categorised as “revenue.”

**Police vehicles** In managing and responding to crime a number of different vehicles can be deployed ranging GRV patrol cars, unmarked general support vehicles, Public Service Unit vans and minibuses, scientific [eg SOCO] vehicles, pursuit vehicles - 4x4 and high speed, motorcycles and so on. Current fleet deployment to NWL District is 35 vehicles serving 39100 existing households. The average equipped cost of a vehicles is £15,774 and this is very close to the actual cost of a GRV. Our guideline for the majority of marked vehicles is to replace every three years or 120,000 miles. The condition of vehicles at the end of their Police life varies however we forecast that we will redeem on average 10% of a vehicles original value on disposal.

**35 vehicle units at net value £496881**

Existing households 39100 = £12.71 per H hold x 2 to give 6 year life of provision.

In relation to this particular development additional vehicle costs to deliver Policing and meet community safety needs will be **£1957**. Impact of the development without the contribution will be pressure to spread existing transport too thinly to the extent that service delivery is prejudiced. Residents of the new development and their representatives will expect the same degree of cover as



elsewhere in the locality and existing residents will expect existing cover to be maintained and not reduced as a result of the new development.

*Is the contribution necessary to make the development acceptable in planning terms?*

Vehicles are a fundamental infrastructure and facility to deliver community safety and address crime especially at Neighbourhood level.

*Is it directly related to the development?*

Fleet deployment is related to the known Policing demands of comparable development in the locality. The direct additional demand from the new development can be accurately forecast. Delivering Policing direct to this development will not be possible without additional vehicles to do so. The additional demand from this development relates to a proportion of a vehicles time. Vehicles cannot be broken into parts to serve each individual site and deployment of cover on a fleet basis is already demonstrated as the most cost effective way to deliver Policing. Likewise to directly cover the additional demands of particular sites. This will be spent to serve the appeal development and is not required to meet a funding deficit elsewhere or to service any existing development.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Police vehicle demands it will generate are known by comparison with deployment to other local residential development. Level of demand and mitigations have been determined by the scale of the development.

**Radio Cover/capacity** It is necessary to expand the capacity of our existing system to cater for additional calls as a result of the development. The development will increase the use of our radio system which is maintained at existing capacity by investing in additional hardware including servers, system



refinement signal strengthening and improved transmission technologies. We spend £20,000 pa adding such capacity to the existing system in NWL District which serves 39,100 households. Annual cost of these capacity increases to an existing household is £0.51. Capacity improvements are expected to last for 5 years and without these the system will fail to adequately carry both existing and additional calls as a result of this additional development. The additional cost of the additional capacity in relation to houses in this development will be **£196**.

The impact of the development on Policing with reduced Airwaves capacity will be increased attendance times, delays in message passing and the implications of this for attendance and apprehension. Occupiers and those that represent them will expect the same performance levels as we currently operate in NWL District.

*Is the contribution necessary to make the development acceptable in planning terms?*

Deployment to adequately deliver community safety will not be met where this is prejudiced by insufficient radio system capacity. Crime, community safety and security are Planning considerations.

*Is it directly related to the development?*

The additional demands of this particular development in relation to this infrastructure have been identified as have mitigations. The contribution will be spent to serve the development and is not required to meet a funding deficit elsewhere or to service existing development.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate, in terms of additional radio calls, are known by comparison with similar local residential development. Demand and mitigations have been determined by the scale of the development.





**Police Database capacity.** It is necessary to expand the capacity of our existing system to cater for additional calls as a result of the development. This is a secured stand alone information source integrating a variety of data nationally and allowing this to be compared over time in relation to individuals and locations. Additional hits as a result of the development to access existing crime information and add more crime data to be accessed by more staff generate a need to add capacity to this system. The current system and access to it reached planned capacity usage this year. Dedicated hardware is used with our contribution to this at £1,456,000 through the 14 year growth period at today's prices. In addition, local servers are replaced every 2.5 years at £83k each time to add further capacity to meet the demand placed adding £464,800 to PND costs through to 2026. We spend £10240 on PND system enhancements to serve NWL District at £0.26 per household per year. Over 5 years the development should contribute **£100.**

Failure to increase PND capacity in step with growth the subject of this application will directly impact the ability of the Force to rapidly access and respond to crime information.

*Is the contribution necessary to make the development acceptable in planning terms?*

Deployment to adequately deliver community safety and security, will not be met where this is prejudiced by insufficient capacity in the Police PND system.

*Is it directly related to the development?*

The additional demands of this particular development in relation to this infrastructure have been identified as have mitigations. The contribution is directly related because it will be spent to serve the development and is not required to meet a funding deficit elsewhere or to service any existing development.



*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate, in terms of PND use, are known by comparison with other local residential development. The development is not built and this is a reasonable way to forecast this impact. Demand and mitigations have been determined by the scale of the development.

**Control Room telephony** Police control room call handling equipment is used to capacity at peak times. Our call handling centre at Force HQ Enderby directs all calls and deploys resources to respond and continue monitoring. We know the capacity of the technology and the calls it currently handles [fixed around minimum times with callers] and will be expected to handle as a result of the proposed development. In order to deal with additional calls as a result of additional planned development across our sub region additional telephony, lines, licenses, workstations and monitoring screens will be required at a total cost of £199,000. 8% of all calls handled relate to the 39100 households in NW Leicestershire and additional calls forecast from this development are identified. The Council proposes 6810 additional houses in their district in their plan period. Each new household in the district will generate a need to invest an additional £2.33 in this system. The development should contribute **£179** towards the additional equipment needed to answer the additional calls it will generate. Police preference is to use this money when the existing telephony is extended and renewed at 2018 however this does not prevent procurement of additional capacity in the meantime as a result of the impact of this development.

There will be a call handling impact and delays in response times if we attempt to serve this development with our current telephony systems.

*Is the contribution necessary to make the development acceptable in planning terms?*





Crime and community safety are Planning considerations and the Councils draft Core Strategy content further demonstrated this. NPPF identifies need to achieve security in new development and makes provisions to deliver this through the planning system. These considerations will not be met where Policing delivery is prejudiced by insufficient telephony capacity to take calls and deploy responses in good time.

*Is it directly related to the development?*

The additional demands of the development in terms of calls and responses have been identified as have mitigations. The contribution will be spent to serve the development and is not required to meet a funding deficit elsewhere or to service existing development.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate, in terms of use of control room telephony, are known by comparison with other local residential development. Demand and mitigations have been determined by the scale of the development.

**ANPR CCTV Deployment** Police are deploying fixed ANPR cameras on main road network and close to or in settlements. These cameras are server linked to identify number plates of vehicles in use for crime. We deploy these as resources permit however our financially constrained programme makes no provision for the impacts of additional areas of housing. The use of these technologies has a beneficial impact in terms of minimising staff attendance. Unit cost is £8000 which includes installation and satellite links. Additional server capacity will be required to process and store images and integrate to PND at £222 per new camera. Police take the view that in the light of local crime patterns and the accessibility of the site on a main road serving this and other settlements that a part contribution towards a camera in this location is warranted from the development. **£2055** is sought.



Impact without this contribution will be an inability to monitor crime related vehicle movements and address incidents effectively. Our response would be less than available elsewhere in NWL District where this cover is provided. The rational in this request is via a cascade of considerations; to what extent will access be direct from main nearby routes, will wider access patterns change as a result of the development, are there existing cameras on these routes, what is a proportionate contribution by the size of the development [1,000 dwellings justifying a camera and at the lowest end no contribution required for less than 50 units]. Developers have suggested a universal methodology, like that we use elsewhere, as the right approach. This is flawed because factors like accessibility and police demand are not uniform. Further NPPF requires timely delivery of what is necessary and that this be directly related to the development. Police are not confident that many small contributions would deliver this. More universal methodologies are appropriate where what is necessary is provided universally eg in relation to our call centre, PND and Radio technologies.

**Mobile CCTV Deployment** Units are acquired as funding, including s106, permits however our financially constrained programme makes no provision for cover of additional areas of development. Cameras are deployed in partnership with other local agencies to detect and deter crime and can be moved to follow crime patterns. Typical locations are where there is an expressed fear of crime, at emerging crime hotspots that residents use eg near commercial premises, or where there are increasing levels of anti social behaviour. Unit cost is £1500 and Police pay the revenue costs for movement. Bearing in mind the location and nature of the development as previously described, a contribution towards a mobile unit is required to serve the development and locality at a cost of **£375**.

Impact without this contribution will be less access to deployment of this equipment than elsewhere in the Police District.



*Is the contribution necessary to make the development acceptable in planning terms?*

Policing is a Planning consideration and NPPF provides guidance about local facilities and the provision of security. Deployment of CCTV technologies significantly increases detection and deterrence with reduced need for staff presence and particularly contributes towards achieving community safety. This will be prejudiced where new development places additional demands on existing deployment without mitigation and the ability of these technologies to deliver safety is undermined where new development creates additional accessibility and network gaps.

*Is it directly related to the development?*

The additional demands of this development in relation to this infrastructure have been identified as have mitigations. The nature of the development and its size and location in relation to the existing settlement and camera deployment are a direct consideration in these technologies.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate, in terms of additional crime and vehicle movements, are known by comparison with other similar residential development. Demand and mitigations have been determined by the scale of the development.

**Premises** Within NWL District Policing is delivered from premises at Coalville and Loughborough. Additional staff will need to be accommodated to serve the development. Occupation of local and Force wide premises is maintained to capacity. Premises cost is amount of floorspace per staff member [14] x number of staff generated by the development [0.53] x Build and land/lost opportunity cost [£2794pm<sup>2</sup>] giving a total of **£20731** from this development. The latter is the build cost in use by Force Estates and has been externally verified by tender.



This will be spent to extend facilities at Coalville, the BCU at Loughborough which serves the site and Force HQ Enderby also delivering policing to this locality. Leicestershire Police own the freeholds of all these buildings and have in house expertise able to deliver property projects quickly.

Occupation of the local station is maximised but constrained by its age and condition. Replacement to existing needs is being planned however the development will create additional Policing demands and the need for additional floorspace at this facility.

In relation to the Loughborough premises a replacement facility has recently been completed. This will need to be extended to accommodate staff to cover additional development the subject of the application.

In relation to HQ and Forcewide premises a number of functions necessary to Police the development are already using these to capacity. Typical of these is the Force Control room which is secured constructed, perimeter secured and attack resistant and is at capacity. The remainder of the premises contribution will be spent on Forcewide premises which serve NW Leicestershire and in proportion to the Policing demands of the District.

Impact of this development without premises expansion to accommodate additional staff will be an unacceptable degree of overcrowding and inefficiencies in responses and delivering Policing as a result.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are Planning considerations and accommodating staff in the optimum location to serve the development is essential if this is to be achieved.

*Is it directly related to the development?*



The additional staffing needs the development will generate have been established by reference to existing local deployment reflecting the actual Policing demands and crime patterns of the locality. In a similar vein the premises requirements that result from the need to accommodate additional staff at these levels is known. A direct relationship between the development, additional staffing and accommodation is demonstrated and it is appropriate to mitigate this through the planning system.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the accommodation needs of staff delivering Policing to meet local demands of development of this nature are known. It is based on the scale and kind of residential development.

**Equipment for additional access to hub to serving the locality.** This new development will increase the demand for local accessibility to Policing. Police are delivering hubs to existing communities and have a model for these. There is a hub in Measham. We do not pay for host premises but do need to provide secured work stations for beat officers to support local residents. The equipment components are ISDN and mobile data terminal, laptop, security for laptop and minor security works to host premises. Typical hub catchment is 4,000 households which will include those in this new development. The cost of a single secured workstation is £4000. The developer is asked to contribute £1 per new dwelling towards additional equipment in the hub which serves the locality.

In association with a hub Police expect to meet the demand for additional local crime initiatives as a result of new development. We have restricted funds to deliver such initiatives to existing development to pay for equipment eg Smartwater kits[fluid, sprays, detectors] or signage for local occupiers to use. Each initiative budgets for capital expenditure of £4,000 with the developer again asked to contribute £1 per new unit.



*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are Planning considerations and ensuring accessibility for the public to Policing is important to community safety, combating and reducing crime and the fear of crime. These matters are the subject of a draft Core Strategy Objective.

*Is it directly related to the development?*

A local hub specifically serves the development and a proportionate contribution towards increasing its equipment capacity is sought.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and accessibility of beat Policing for residents is an increasing demand on the service. Hubs are being provided to existing communities but there is no capacity to extend these to cover additional areas of housing. The contribution is based on the scale and kind of residential development.

## **SUMMARY OF CONTRIBUTION REQUESTED**

This contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and LPU area in which it will be situated. The existing deployment of Police assets to Police the LPU are identified and applied to the beat and to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to this development and the CIL tests of compliance are applied to these.

Start up equipment	£3116
Vehicles	£1957





Additional radio call capacity	£196
PND additions	£100
Additional call handling	£179
ANPR	£2055
Mobile CCTV	£375
Additional premises	£20731
Hub equipment	£154
Total	£28863

### Conclusion

Leicestershire Police have refreshed our approach to contributions taking account of legal advice and we make an effort to keep these up to date reflecting our current deployment. All providers should perhaps do likewise to demonstrate an ongoing attempt to minimise asset use and deliver at capacity. This updating counters some developer's assertions that there is spare capacity in our infrastructures and deployments. That is demonstrably not the case, spare capacity has been removed quickly because we cannot afford otherwise as demonstrated throughout this request where ever capacity is defined. That lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developer of the site to provide a contribution so the situation might be remedied. The request is directly related to the development and the direct Policing impacts it will generate based on an examination of demand levels in adjacent areas and existing Policing demands and deployment in relation to this. The request is wholly related to the scale and kind of the application development. Advice taken by Leicestershire Police is that the contents of this letter are sufficient to justify the contribution sought.

We follow the proportionate approach in this request advocated by NPPF and have yet to find any other way of assessing and identifying the impact of additional households in a new development on Policing. The demand for policing changes over time and this can be reflected in our deployment and



indeed a relationship between these however we have to take a view on this at the time applications are made. Using up to date information is the only sensible way to demonstrate Policing impact and again this is what NPPF steers us to.

The application includes a draft heads of terms excluding a commitment to a compliant request for a policing contribution. There was no pre application consultation with Leicestershire Police about the development by either the developer or Council. **Police raise a formal objection on sustainability grounds and because the development is unacceptable without the necessary Policing contribution.**

Although the sustainability of the development has been asserted inadequate provision for policing will have a long term and negative impact on this development and on the rest of the NW Community as Policing is effectively reduced by unmitigated growth. The Planning Inspector at Barrow Upon Soar considered this aspect at length drawing upon what NPPF has to say about the health, safety and security of communities and new development and I refer to this below.

As far as I can see there are no viability matters in the application submissions. If that is raised by the developer and accepted by the Council it will be necessary for Police to consider this request further alongside other service providers. In such circumstances planning decision making needs to be open and transparent to providers. It cannot be that some services are singled out for consideration in an unbalanced and closed way as rendering a development unviable when other infrastructure providers see their requests met in full. This was the matter considered in the High Court recently [Lubbesthorpe in Blaby] and on considering our case the judge found

- It is obvious that a development of the nature described [4500] homes would place additional and increased burdens on local health, education and other services including the Police force. [Para11]
- the Police Challenge could not be characterised as a quibble [para 61]
- occupiers of the development will want to know that they are living in a safe Policed environment - the consumer view of the issue [para 61].





- Police have statutory responsibilities to carry out and although the sums at stake are small in comparison with what will be required to complete the development the sums are large for Police [para 61].
- if a survey of local opinion were taken concerns would be expressed if it were thought that the developers were not going to provide Police with sufficient to meet the demands of Policing the new area. Fair points are made by Police about the terms of the agreement [para 62].
- Looked at objectively the way the Police contribution was handled in the s106 is not very satisfactory and there are some legitimate criticisms to the formulation of the trigger mechanism.
- the Judge suspected that irrespective of the outcomes of this case, the issue of the timing of Police contributions will have to be revisited [para 84]
- the Judge noted that it was the content of meetings between the developer, County Council and Blaby Officers that constituted the decision about the s106 agreement [Para45]. Even though correspondence continued with Police after these in reality the decisions had been made by then [para51].

Although our case is made in relation to this individual application I refer to the 15 recent appeal decisions attached and the view of Inspectors and the Secretary of State as to the compliance of our requests in our refreshed approach. That is all the appeal decisions considering this approach including in NW Leicestershire.

In one of the appeal decisions attached [Barrow Upon Soar], the Inspector concluded at para 291 forward-

*" it seems to me that the introduction of additional population and property to an area must have an impact on Policing , in the same way as it must on education and library services for example. Moreover it also seems to me that the twelfth core planning principle of the framework, that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs, can only be served if Policing is adequate to the additional burdens imposed on it in the same way as other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to para 69, should aim to achieve places which promote, inter alia, safe and accessible environments where crime and the fear of crime and disorder, do not undermine quality of life or community cohesion.....adequate policing is so fundamental to the concept of*



*sustainable communities that I can see there is no reason, in principle, why it should be excluded from the purview of s106 financial contributions, subject to the relevant tests applicable to other public services There is no reason it seems to me why Police equipment and other items of capital expenditure necessitated by additional development should not be funded alongside for example additional classrooms and stock and equipment for libraries"*

The Secretary of State agreed with this conclusion.

I also refer to the Inspectors consideration in the Mountsorrel Lane case attached and also in Charnwood. The Inspector outlined the Police case at length concluding at para 8.45 "*In my view the sum of £106,978 has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Charnwood, so that the impact of the development could be properly assessed and a contribution sought that accurately reflects the precise need that would arise from the development of 250 new homes on the appeal site. The LP has confirmed that the contribution would be spent on infrastructure to serve the appeal development and is not required to meet a funding deficit elsewhere or to service existing development.*

At para 8.46 "*I consider that the contribution is necessary to make the development acceptable; it is directly related to the development and to mitigating the impacts that it would generate and is fairly and reasonably related in scale and kind to the development. The Undertaking therefore meets the three tests of Regulation 122 of the CIL Regulations 2010 and the criteria in paragraph 204 of the NPPF. I accord the undertaking significant weight and I have had regard to it as a material consideration in my conclusions.*

The Secretary of State agreed with the conclusions of the Inspector as regards the Policing contribution.



I am happy to assist the developer and LPA with any queries on this request or its compliance and would appreciate the initial view of the LPA so that any concerns or doubts can be answered.

Please keep me posted on the progress of the application, our objection and our contribution request. If no progress is made on this request please copy, verbatim, this letter and attachments into your report so that your members are fully aware of the Police objection and implications of the development for the Policing of the existing NWL community. Please copy your draft report to me as soon as it is available prior to Member consideration. Please copy me into any drafting of the proposed s106 agreement.

Best Regards

**Michael Lambert**  
**Growth and Design Officer**  
**Leicestershire Police**  
[michael.lambert@leicestershire.pnn.police.uk](mailto:michael.lambert@leicestershire.pnn.police.uk)

*Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.*

**A3**

**15/00072/OUT**

**Erection of one dwelling (outline - all matters reserved)**

Land To The Rear Of The George Inn Bakewell Lane  
Coleorton Coalville LE67 8HF

Following the publication of the Committee report the Local Authority has discussed the merits of the application with the Council's Tree Officer following the receipt of the 'Tree Constraints Plan' from the applicant's ecologists on the 5<sup>th</sup> March 2015.

The tree survey submitted in support of the application identifies that five of the trees would be rated Category B trees (those of moderate quality which are in a condition to make a significant contribution to the visual amenity of the area). These trees are predominately located to the north-eastern boundary of the site with one being located in close proximity to the south-western corner of the site. A mature hedgerow also bounds the site.

The Council's Tree Officer has determined that the development of the site would lead to difficulties in the retention of trees identified as worthy of retention due to the overall constraints and likely position of the built form.

#### **Officer Comments**

In relation to the information supplied within the Tree Survey, and as shown on the 'Tree Constraints Plan,' the following response is provided.

#### **Landscaping**

An indicative arrangement of a dwelling on the site has not been provided but the Council's Tree Officer has raised concerns that those trees deemed important on the site would be difficult to retain in the potential development of the site given the likely orientation and position of a dwelling on the site. The access point would need to be upgraded and become more formal in order to serve a dwelling which would result in implications to the root protection areas of those trees to the north-eastern boundary given the laying of a hard surface. It is also likely that the hedgerows which exist to the boundary would also need to be removed to accommodate the access. Tree T5, in close proximity to the south-western corner of the site, would also likely fall within the rear amenity area of the new dwelling which given its orientation (to the south) and height would result in implications to the enjoyment of this area and as such subsequent pressure on the tree to be removed. The loss of such vegetation would also result in the site being more visible from the surrounding area, and neighbouring footpaths, which would further compound its visual detriment to the rural environment. As the site is also within the National Forest it is considered that the loss of such vegetation to accommodate the dwelling would conflict with the intentions of Policies E7, F1 and F2 of the Local Plan.

#### **RECOMMENDATION: NO CHANGE TO THE RECOMMENDATION WITH THE INTRODUCTION OF AN ADDITIONAL REASON FOR REFUSAL.**

5. Policy E7 of the North West Leicestershire Local Plan identifies, amongst other things, that the proposed site layout should incorporate such of the site's existing features (for example, trees or hedgerows) as is necessary or desirable to retain which is further supported by Policies F1 and F2 of the Local Plan for developments which fall within the National Forest. Although no indicative site layout has been

submitted in support of the application it is concluded that the likely position of any dwelling on the site, as well as its access point, would be limited to a certain area and as a result the formalisation of the vehicular access would impact on the root protection area of trees deemed worthy of retention with an additional tree also impacting on the rear amenity area to any potential dwelling. Such impacts would lead to difficulties in retaining this vegetation as part of the development of the site, with the vegetation contributing to the visual amenity of the area. The loss of such vegetation would also increase the prominence of the built form and further compound its visual detriment to the rural environment. As a result to permit the development would be contrary to the aims of Policies E7, F1 and F2 of the North West Leicestershire Local Plan.