

Proposed residential development of up to 122 dwellings (use class C3), retail unit (up to 400 sq m use class A1), access and associated infrastructure (outline all matters reserved)

Report Item No
A1

Land Off Greenhill Road Greenhill Road Coalville
Leicestershire

Application Reference
15/00227/OUTM

Applicant:
Gladman Developments

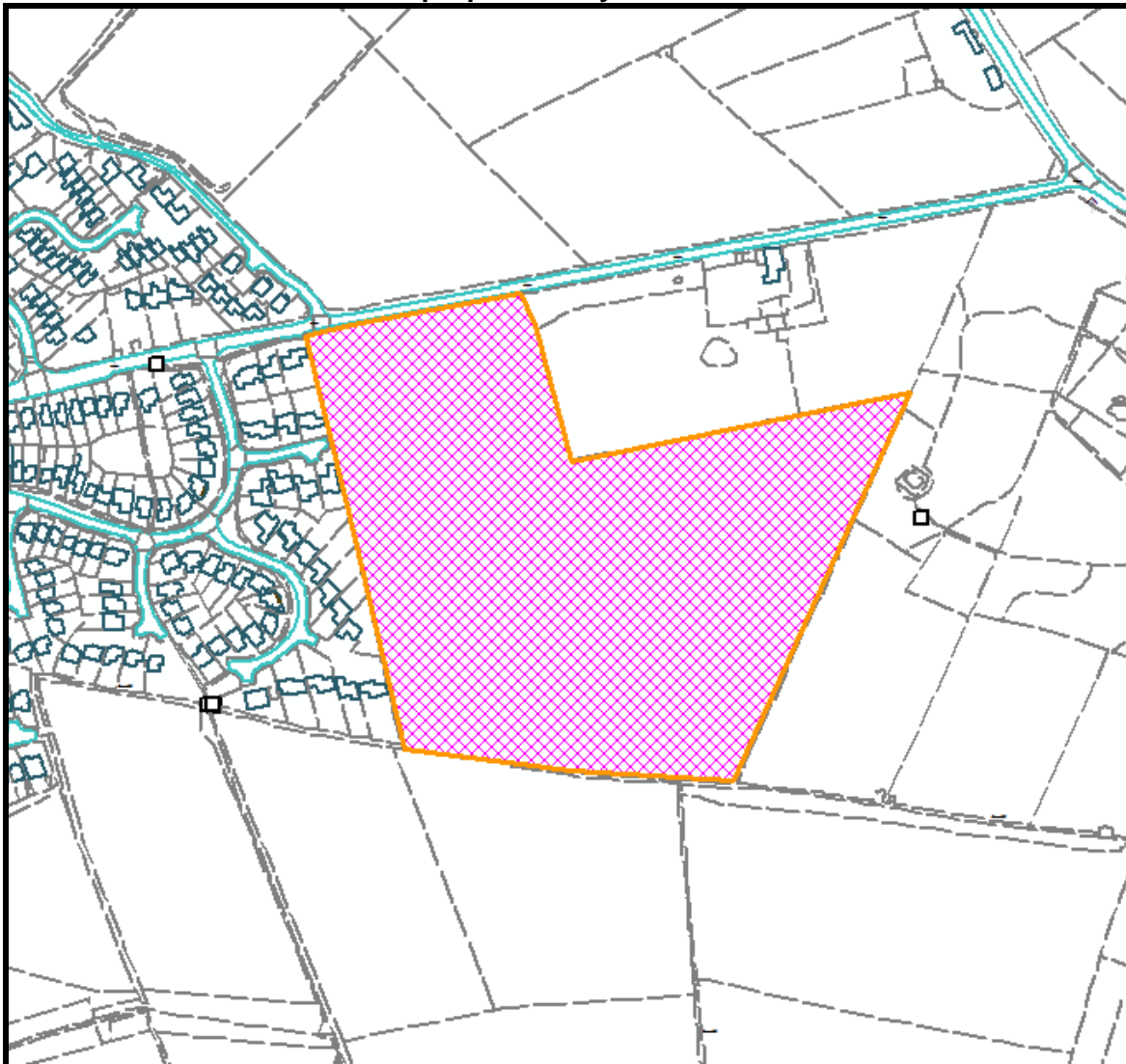
Date Registered
21 April 2015

Case Officer:
James Knightley

Target Decision Date
21 July 2015

Recommendation:
REFUSE

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 122 dwellings, a retail store and associated works.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals.

Planning Policy

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

Conclusion

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

RECOMMENDATION:-

REFUSE

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

MAIN REPORT

1. Proposals and Background

This is an outline planning application for residential development of a site of 7.22 hectares primarily comprising grassland for up to 122 dwellings on land to the south of Greenhill Road, Coalville.

All matters are reserved; whilst all matters are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings and shop (the shop being located to the north western part of the site), together with areas of public open space / children's play and surface water attenuation facilities. Whilst access is a reserved matter, the submitted Transport Assessment indicates that vehicular access would be provided by way of a new priority access onto Greenhill Road.

The site is adjacent to agricultural and residential land, and lies to the opposite side of Greenhill Road from a site currently under development for 70 dwellings (ref. 14/00050/FULM). The application site itself is as per that the subject of an earlier application for 180 dwellings (ref. 14/00614/OUTM); that application was refused at the Planning Committee meeting of 4 November 2014 for the following reasons:

1 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Policy S3 of the adopted North West Leicestershire Local Plan sets out the circumstances in which development outside of Limits to Development would be acceptable. Paragraph 112 of the NPPF provides that, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The site is located outside of the Limits to Development as defined in the adopted Local Plan, and is, in the most part, Best and Most Versatile (BMV) in terms of its agricultural quality. Approval of the application would result in the unnecessary development of BMV land located outside Limits to Development, not constituting sustainable development, and contrary to the policies and intentions of the NPPF and Policy S3 of the North West Leicestershire Local Plan.

2 In addition to being located outside of the Limits to Development as defined in the adopted North West Leicestershire Local Plan, the site also falls within an Area of Particularly Attractive Countryside. Policy E22 of the adopted North West Leicestershire Local Plan presumes against development within Areas of Particularly Attractive Countryside which would, amongst others, adversely affect or diminish their present open character. By virtue of the site's development for housing, the present open character of that part of the Area of Particularly Attractive Countryside forming the application site would inevitably be diminished, to the detriment of this part of the Area of Particularly Attractive Countryside and the character of the Area as a whole, neither protecting nor enhancing the natural environment and not constituting sustainable development, contrary to the policies and intentions of the NPPF and Policy E22 of the North West Leicestershire Local Plan.

3 Paragraph 32 of the National Planning Policy Framework (NPPF) requires that all developments that generate significant amounts of movement be supported by a Transport Statement or Transport Assessment, and that plans and decisions should take account of

whether, amongst others, the opportunities for sustainable transport modes have been taken up, and that safe and suitable access to the site can be achieved for all people. Policy T3 of the adopted North West Leicestershire Local Plan requires development to make adequate provision for vehicular access and circulation and servicing arrangements. The application as submitted provides insufficient information to demonstrate the highways and transportation impacts of the proposed development, in the absence of which the Local Planning Authority is unable to be satisfied that unacceptable adverse highway safety and capacity impacts on the surrounding highway network would not result, contrary to the policies and intentions of the NPPF and Policy T3 of the North West Leicestershire Local Plan.

4 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of minimising pollution. The site is located approximately 2.2km from the Coalville Air Quality Management Area (AQMA), an area designated on the basis of existing exceedances of the annual mean Air Quality Objective for nitrogen dioxide. The application is supported by an Air Quality Assessment but, having regard to the failure to demonstrate that the predicted traffic flows upon which the Assessment is based are robust, the Local Planning Authority is unable to be satisfied that unacceptable adverse impacts on air quality within the AQMA would not result, contrary to the policies and intentions of the NPPF.

5 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its economic dimension) and also provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure. The application as submitted does not include for appropriate contributions in respect of associated infrastructure (including mitigation for the impacts of the proposed development in terms of youth / adult recreation facilities, library facilities, civic amenity and healthcare), contrary to the policies and intentions of the NPPF.

That refusal is now the subject of an appeal, to be considered at an inquiry due to open in November 2015. The revised scheme differs from the refused application insofar as the number of dwellings proposed is concerned. Whilst the application site area is essentially unchanged from the refused scheme, the illustrative plan indicates that the eastern section of the site would be retained as open space. The current application is referred to the Planning Committee for a decision at the request of Councillor Clarke (the request being received prior to the 2015 District Council elections and reorganisation of wards).

2. Publicity

153 neighbours have been notified (date of last notification 29 April 2015).

Press Notice published 6 May 2015

Site Notice posted 12 May 2015

3. Consultations

County Highway Authority
Environment Agency
Severn Trent Water Limited
Head of Environmental Protection

Natural England
NWLDC Tree Officer
County Archaeologist
LCC ecology
Airport Safeguarding
NWLDC Urban Designer
National Forest Company
County Planning Authority
LCC Development Contributions
NHS Leicester, Leicestershire And Rutland Facilities Management
Development Plans
Head Of Leisure And Culture
Manager Of Housing North West Leicestershire District Council
29 April 2015 Police Architectural Liaison Officer
LCC Flood Management
Highways Agency- Article 15 development
Head Of Street Management North West Leicestershire District
Leicester & Rutland Wildlife Trust

4. Summary of Representations Received

Environment Agency has no objections subject to conditions

Highways England has no objections

Leicestershire and Rutland Wildlife Trust objects on the following grounds:

- Significant encroachment into the Charnwood Forest - the Charnwood Forest has been identified by the Trust as a priority Living Landscape, by the County Council, the District Council and Charnwood and Hinckley and Bosworth Borough Councils as a candidate Regional Park and by the National Forest Company as a key area within the National Forest
- Site outside Limits to Development and not a priority for development
- Within an Area of Particularly Attractive Countryside
- Site should be retained for its wildlife value and intrinsic landscape appeal
- Site adjacent to a mosaic of habitats and, as such, is an important wildlife corridor linking Bardon Hill SSSI, Charnwood Lodge NNR and Coalville Meadows SSSI

Leicestershire County Council Archaeologist has no objections subject to conditions

Leicestershire County Council Local Education Authority requests developer contributions of £566,400.04 in respect of additional provision in the primary, high and upper school sectors

Leicestershire County Council Library Services Development Manager requests a developer contribution of £3,680 in respect of Coalville Library

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £7,976 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Landscape Officer has no comments

Leicestershire County Council Ecologist has no objections subject to conditions, and subject to the provision of a suitable buffer zone

Leicestershire County Council Highway Authority final response awaited

Leicestershire County Council Lead Local Flood Authority has no objections subject to conditions

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

Leicestershire Police objects unless a developer contribution of £44,774 in respect of policing is provided

National Forest Company has no objections in principle but requests provision of additional information from the applicant in respect of demonstrating that sufficient space would be provided to enable avenue tree planting within the development

Natural England has no objections subject to conditions

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

Severn Trent Water has no objections

Third Party Representations

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

- Shop not needed - other shops have recently closed due to lack of custom
- Site within an Area of Particularly Attractive Countryside
- Site within the countryside / outside Limits to Development
- Increased traffic / congestion
- Inaccurate Transport Assessment
- Adverse impact on Charnwood Forest / National Forest
- Contrary to Local Plan policies
- Loss of good quality agricultural land
- Impact on air quality
- Site and adjacent land are liable to flooding
- Increased flood risk to neighbouring properties
- Health and safety implications of proposed surface water attenuation
- Greenfield sites should not be developed when previously-developed sites and derelict properties are available
- Disturbance associated with proposed retail use
- Increased anti-social behaviour
- Litter
- Previous application was refused
- No need for additional affordable housing in Coalville
- No Core Strategy in place
- Site within Green Belt
- Insufficient infrastructure (including schools, healthcare, and highway network capacity)
- Impact on wildlife

- Flawed technical assessments / supporting documents
- Impact on dry stone walls / heritage
- Site liable to heavy snow due to altitude
- Adverse impact on neighbours' amenities from development as shown on proposed masterplan
- District Council has a five year supply of housing
- Loss of trees
- Loss of visual amenity / impact on landscape
- Site close to a SSSI
- Tree survey inaccurate / out of date
- Site forms part of an attractive rural setting for Coalville
- Loss of green space
- Pollution
- Unsustainable location for development
- Limited public transport services
- Impact on a listed building
- No evidence of a positive impact of the development on the local economy

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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 listed 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 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 24 (Ensuring the viability of town centres)
- Paragraph 26 (Ensuring the viability of town centres)
- Paragraph 27 (Ensuring the viability of town centres)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)

Paragraph 109 (Conserving and enhancing the natural environment)
Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 124 (Conserving and enhancing the natural environment)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E6 - Comprehensive Development
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy E22 - Areas of Particularly Attractive Countryside
Policy F1 - National Forest General Policy
Policy F2 - National Forest Tree Planting
Policy F3 - National Forest Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy R1 - Central Areas Shopping
Policy L21 - Children's Play Areas
Policy L22 - Formal Recreation Provision

Other Policies

North West Leicestershire District Council Affordable Housing SPD

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

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

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

On 11 June 2013, and following the completion of consultation on the draft policy, the District

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

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

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

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

6. Assessment

Principle of Development

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

In terms of the adopted North West Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3. Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as national policies and other Development Plan policies.

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 District Council is currently able to demonstrate a five year supply (and including for a 20% buffer) (although it is noted that the applicants do not concur with this position).

Having regard to the above and to the approach set out in Paragraph 49 of the NPPF, Local Plan Policy S3 is considered to be up-to-date in the context of Paragraph 49. However, given 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), this needs to be

taken into account when considering the weight to be applied to any conflict with this policy.

In addition, notwithstanding the principles contained in Paragraph 17 of the NPPF which highlights the need to recognise the intrinsic character and beauty of the countryside, 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. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out in more detail in this report.

Site Accessibility and Policy H4/1

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is adjacent to the existing built up area of the settlement. In terms of accessibility generally, the view is taken that, as a site within close proximity of the built up area of Coalville and the range of services available therein, it performs relatively well in this regard. Whilst the site entrance is approximately 3.5km from the town centre (being the closest point of the Core Town Centre Shopping Area as defined in the adopted Local Plan), there are other facilities in closer proximity (including shops, schools and the Coalville Community Hospital). The proposals would also, of course, include an on-site shop. The site is also approximately 250m from the nearest bus stop; this stop is served by the Arriva No. 11 bus route connecting Agar Nook with the town centre on Mondays to Saturdays at approximately 10 or 15 minute intervals during the daytime (but with no evening or night time service, nor daytime service on Sundays).

In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this 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.

Other Issues

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

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

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

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

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

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

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

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

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

Conclusions in respect of the Principle of Development

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

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and, as such, the scheme would be in conflict with the relevant Development Plan and other policies designed to protect the countryside from inappropriate development, and including Local Plan Policy S3, a policy designed to protect the countryside for its own sake. The site lies within an Area of Particularly Attractive Countryside; whilst this designation in itself does not preclude development in principle in the same way as Policy S3, separate tests are set out within Policy E22, and the proposals' performance against these requirements is set out in more detail later in this report.

However, it is also necessary to consider any other relevant material considerations, including the Government's current intentions in respect of the need to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF), and the current position in the District in terms of housing land supply. An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance. As set out above, the Council is now in a position whereby it is able to demonstrate a five year supply and, as such, Paragraph 49 of the NPPF would not be engaged. Regardless, however, as set out within this report, the development would not be considered to represent sustainable development and, in principle therefore, the scheme is not considered acceptable.

Detailed Issues

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

Means of Access and Transportation

As set out above, all matters are reserved for subsequent approval, although the information submitted with the application indicates vehicular access would be provided via a new priority junction to Greenhill Road. The illustrative layout also shows other potential pedestrian links through the site; these would also be a matter for the reserved matters stage(s). It is noted, however, that a previously proposed potential pedestrian link to Jacquemart Close is no longer indicated on the 122 unit scheme.

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

course).

In terms of the impacts on highway safety and the operation of the wider highway network, it is noted that the previous application was, in view of unresolved highways issues, refused on the grounds that insufficient information had been provided to demonstrate that the proposals would be acceptable in terms of highway safety and capacity on the surrounding highway network. Since that time the applicants have continued to engage with the County Highway Authority with a view to overcoming its concerns but, as matters stand, the County Council is not yet satisfied and, at this time, Reason for Refusal 3 continues to be contested in respect of the forthcoming appeal.

It is understood that, whilst progress has been made between the County Highway Authority and the applicants' transportation consultants with regard to issues such as traffic assignment, some issues remain, both in respect of the appeal proposals and the current application. In particular, the County Council advises that it had requested a Stage 1 Road Safety Audit in respect of the (indicated) proposed access, raised junction table and zebra crossing; this has now been submitted but, at the time of preparing this report, the County Highway Authority had not had an opportunity to complete its review of the updated submission. The County Highway Authority advises that it will respond further once this process is complete; the applicants have agreed to an extension of time sufficient to allow the application to be determined at the Planning Committee of 4 August 2015.

As matters stand, therefore, it may be the case that the County Highway Authority now has sufficient information in order to demonstrate the impacts of the development but, until such time as the County Council has had a reasonable opportunity to assess the recently submitted information, it is not in a position to confirm if this is indeed the case. Any further comments received ahead of the Planning Committee meeting will be reported on the Update Sheet (and, if applicable, amendments made to the recommendation).

Landscape and Visual Impact

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

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

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

Construction Phase:

Nil / No Effect 1
Slight Adverse 4
Moderate Adverse 3
Substantial Adverse 4

Year 0 (following completion):

Nil / No Effect 3
Slight Adverse 5
Moderate Adverse 4

Year 15:

Nil / No Effect 1
Negligible Adverse to Nil / No Effect 2
Negligible Adverse 3
Slight Adverse 5
Moderate Adverse to Slight Adverse 1

In terms of the mitigation assumed in undertaking the LVIA (and upon which the Year 15 residual impacts would be dependent), this includes retention of existing vegetation, provision of additional planting, and establishment of public open space to the eastern portion of the site.

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

As per the LVIA submitted in respect of the earlier application, however, the updated document does not make reference to the site's location within an Area of Particularly Attractive Countryside, nor the impacts of the development upon its character. However, the applicants' Planning Statement suggests that Policy E22 is (alongside Policy S3) out of date and inconsistent with the NPPF as, in their view, the District Council is unable to demonstrate a five year supply of housing and as they are time-expired. This position is not accepted by officers.

In addition, the LVIA accompanying the current application has been assessed on the Local Planning Authority's behalf by a landscape consultant who is engaged by the District Council in respect of the forthcoming appeal on the 180 unit scheme. He expresses a number of concerns regarding the revised document including, not only the lack of consideration of the Area of Particularly Attractive Countryside as suggested above, but also an overstating of the influence on local landscape character of a range of discordant features, most of which are some distance from the site and cannot be seen from it. These factors, he advises, together with some methodological confusion within the LVIA, mean that it understates the adverse effects on local landscape character which would result from the proposed development. As such, he considers, little if any weight should be given to its conclusions. In the District Council's consultant's opinion, the landscape effects would be more properly assessed as at least moderate adverse for the local landscape around the site, with significant adverse effects on the openness, attractiveness and character of the approach to Coalville from the east.

As set out above, Local Plan Policy E22 presumes against development which would adversely affect or diminish the present open character and attractive rural landscape and / or be detrimental to natural habitats and scientific interest of the relevant Area of Particularly Attractive Countryside. Putting to one side the issue as to whether or not the impacts from the viewpoints considered could be mitigated, the fundamental issue that the proposals would, inevitably, diminish the open character of that part of the Area of Particularly Attractive Countryside upon which the development would be sited would remain. Whilst it needs to nevertheless be considered whether other material considerations can outweigh this departure from the Development Plan (and, not least, the NPPF's requirements in respect of housing land supply and the presumption in favour of sustainable development), having regard to the Local Planning Authority's current position in respect of housing land supply, it is not considered that

there is any overriding need to release the most sensitive areas of countryside within the District for housing. Whilst, in order to maintain a five year supply, it would seem likely that some areas of land outside Limits to Development would need to be released, any such release should, it is considered, be limited to areas wherein the adverse environmental effects of so doing would not be such that, overall, they would not constitute sustainable development. In this case, it is considered that there would be no overriding reason to release this part of the Area of Particularly Attractive Countryside for housing and that, on balance, any economic or social benefits of the scheme could not reasonably be concluded to outweigh the significant adverse environmental impacts in this regard.

In terms of retained and proposed planting, it is noted that the site lies within the National Forest. Insofar as the scheme's performance vis-à-vis the relevant National Forest standards is concerned, based on the National Forest Company's Planting Guidelines, 20% of the site area (i.e. 1.44ha) would be required to be provided as woodland planting and landscaping. The National Forest Company notes that the submitted documents set out that the development includes 2.96ha of National Forest planting which would comfortably exceed the minimum 20%.

Insofar as existing trees are concerned, the application is supported by an Arboricultural Implication Study assessing existing trees on the site, the majority of which are located on the site's periphery, although a number are nevertheless located within the proposed developable areas of the site, primarily adjacent to existing stone walls. Based on the illustrative layout submitted, significant loss of tree cover would appear unlikely to result although more detailed assessment of any potential implications on existing trees would need to be undertaken at the reserved matters stage. Whilst the proposed means of access is reserved, on the basis of the access plan included within the Transport Assessment, a number of trees would be likely to be affected by the proposed access formation and / or provision of visibility splays. Whilst this matter would need to be considered in more detail at the reserved matters stage, there appears no reason in principle at this stage why unacceptable impacts on trees arising from the likely means of access would necessarily result.

Loss of Agricultural Land

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

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

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

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

On this basis, approximately 65% of the application site would be BMV and, therefore, contrary to the thrust of the NPPF in this regard. Whilst the applicants' Planning Statement suggests that

the development avoids (and, hence, would help to preserve) wider areas of BMV elsewhere around the town, the fact remains that the majority of the site is BMV.

Nevertheless, it is also considered relevant to have regard to the extent of the loss. Whilst the NPPF does not suggest that release of smaller BMV sites is acceptable, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. Whilst, given the extent of the area falling within BMV grades, the extent of the harm caused to the supply of BMV land would not be very large, it is nevertheless considered that the loss of this higher quality agricultural land would weigh against the proposals in assessing whether the scheme constitutes sustainable development, and in the overall planning balance. Whilst the current application indicates that the eastern portion of the site would remain available as public open space (and, therefore, could be more readily reverted to agricultural use if the need arose), this area includes the majority of the non-BMV land. Whilst, therefore, the proposed reduced number of dwellings vis-à-vis the earlier proposals would result in some of the BMV land no longer being the subject of built development, the benefits in terms of reduced loss of BMV land vis-à-vis the previous scheme would be limited.

Flood Risk and Drainage

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

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

At the time of the previous application, concerns were raised by the Environment Agency but, following the submission of an updated FRA, the Agency's objections were subsequently addressed. Since that time the relevant statutory consultee has changed such that surface water issues are now the responsibility of Leicestershire County Council as Lead Local Flood Authority (LLFA), although the Agency has still commented in terms of foul drainage disposal issues. For its part, the LLFA raises no objections subject to conditions. Whilst concerns have been raised regarding the surface water drainage scheme indicated, it is accepted that, in principle, there is no overriding reason why an appropriate scheme could not be secured.

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

Concerns have been raised regarding the capacity of the local sewerage network, and its ability to accept additional flows, and representations have been received from local residents to the

effect that, as a result of existing capacity issues, sewer flooding has taken place. Advice on drainage matters can be found within the DCLG's Planning Practice Guidance which states at ID 34 Paragraph 020 that *"If there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with. Applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment.*

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

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

Severn Trent Water originally raised no objection to the application subject to the inclusion of a condition requiring drainage plans for the disposal of surface water and foul sewage to be submitted and agreed. Having regard to earlier issues raised in respect of the earlier application and the nearby David Wilson Homes application (14/00050/FULM), however, further clarification was sought from Severn Trent Water and it has subsequently advised that a recent modelling report for the 1 in 20 year and 1 in 40 year storm events confirms that the development would result in a maximum increase in flooding of less than 2 cubic metres which would normally produce a low risk status. However, Severn Trent Water advises that the high risk status applied to two locations where there had been previous internal flooding would reduce the required level to signal a high impact; all others were identified as medium or low risk. Improvements to capacity would therefore be necessary to accommodate the proposed development.

On the basis of an assumed build rate of 30 dwellings per year, Severn Trent Water considers that it would have at least three years to complete works to remove ground water and land drainage flows in the public foul sewer to provide sufficient capacity for the development as well as addressing the existing flooding, and does not, therefore, require any conditions to be attached. However, it is not clear whether the additional capacity would be likely to be provided in sufficient time in the event that a higher rate of delivery were achieved (e.g. if the site were developed by more than one developer).

Severn Trent Water also advises that it is currently undertaking further monitoring and flow measurements to understand fully the nature and the reason for the high levels of groundwater and land drainage flows in the foul and surface water sewers in this area of Coalville and that, subject to the results of these investigations, a solution will be found and a scheme designed to remove the surface water from the foul sewers to provide the capacity for this and future developments in this area. Some relining of sewers downstream of Greenhill Road has, Severn Trent Water advises, already been completed over the last two years to reduce the infiltration in that area.

Severn Trent Water had also advised the Local Planning Authority that the development would have a detrimental impact on the downstream combined sewer overflow (CSO) operations, putting Severn Trent Water out of consent. However, it now advises that, whilst there would be a negligible increase of discharge from the Greenhill Road CSO, the Environment Agency would

need to decide if a condition was required in respect of that risk. For its part, the Environment Agency advises that it is aware of the current capacity issues and has recommended that a condition be attached to any planning permission precluding commencement of development until such time as a scheme to increase capacity had been approved, and occupation of any units until such time as it was implemented, the reasons for the condition being that (i) there is a lack of capacity in the public sewerage system downstream of the proposed development; (ii) the performance of CSOs downstream of the development would deteriorate in the absence of improvements to the sewer system; and (iii) the Grace Dieu Brook is currently classed as "poor" under the Water Framework Directive, and that this "poor" status would be exacerbated by the development in the absence of any improvements to the sewerage system. However, this advice was received prior to the most recent comments from Severn Trent Water, and the Agency has therefore been requested to confirm its latest position; any further comments will be reported on the Update Sheet.

It appears from the responses received therefore that a technical solution in respect of foul water disposal is possible in this case and, accordingly, in accordance with ID 21a Paragraph 009 of the DCLG's Planning Practice Guidance, it is considered that a Grampian planning condition could be attached to deal with this issue. Whilst, in practice, the condition may not be required (and this is reflected in the advice of Severn Trent Water) given the timescales for delivery of the housing and required sewer improvements, this is based on an assumed rate of development which may or may not be delivered and, as such, the view remains that, were members minded to permit the development, the inclusion of such a condition would be appropriate.

Air Quality

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

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

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

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

Insofar as the operational phase is concerned, the Assessment concludes that, for nitrogen

dioxide concentrations, all eight receptor locations considered would experience a "negligible / not significant" impact as a result of the proposed development in both 2015 and 2025. As per the construction phase impacts, mitigation is recommended by the applicants' consultants in respect of the operational phase, and including the implementation of a Travel Plan to reduce traffic use. Notwithstanding the impacts of the suggested mitigation, the development would still result in an exacerbation of the existing exceedances beyond the annual mean Air Quality Limit Value (AQLV) of 40 micrograms per cubic metre ($\mu\text{g}/\text{m}^3$) at the Broom Leys Crossroads receptor but would, the assessment suggests, be expected in any event given that receptor's location within the AQMA.

At the time the previous application was considered, whilst there were no specific concerns raised per se within the then Air Quality Assessment, that assessment was based on traffic flow data taken from the then submitted Transport Assessment which had not been agreed as robust by the County Highway Authority. The revised Air Quality Assessment has been based on comparable data to that used in the updated Transport Assessment and, whilst the County Highway Authority is not, as of yet, in a position to confirm that it has no objections to the application, this element of the Transport Assessment is understood to be generally agreed by the County Council and, therefore, the data used to inform the current Air Quality Assessment is now accepted as appropriate. On this basis, no objections are raised by the District Council's Environmental Protection team, and the development is now considered acceptable in this regard.

Design

The application is supported by a Design and Access Statement (and including a Building for Life assessment) setting out the applicants' proposals, and explaining the approach taken in terms of design. Having reviewed the proposals and the Design and Access Statement, the District Council's Urban Designer had raised concerns regarding the illustrative scheme, and in particular in respect of Building for Life 12 questions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12. The concerns raised relate to, amongst others, connections to adjacent land and how the respective developments relate, a lack of local character and distinctiveness, poor relationships to the adjacent woodland, poor spatial definition, poor legibility, a lack of regard to Manual for Streets, visually prominent car parking, and the relationship between public and private spaces.

On this basis, the District Council's Urban Designer expresses concern that the applicants have failed to demonstrate that an appropriate form of development could be achieved which would meet the requirements of Building for Life 12 (and, accordingly, the NPPF and the DCLG's Planning Practice Guidance), and objects to the application.

It is agreed that, on the basis of the submitted Design and Access Statement and illustrative material, the applicants have failed to address adequately the design fundamentals of the proposed development, and its approval on the basis of the scheme as submitted would conflict with national and local policy designed to secure good standards of design in new development. Whilst it may be the case that, with the preparation of an updated Design and Access Statement and a revised framework plan, the basis of an appropriate design approach could be found but, at this time, the proposals as submitted are considered unacceptable. It is recommended that, should members be minded to refuse the application on this issue, officers be authorised to continue to negotiate with the applicants' design consultants prior to any appeal in order to seek to establish whether an appropriate approach could be formulated and, if so, to not contest any appeal on the basis of design issues.

Residential Amenity

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

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

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

In terms of other residential amenity issues, whilst an illustrative masterplan has been submitted, all matters (other than the proposed Greenhill Road access) are reserved for subsequent approval. Any reserved matters scheme would need to be appropriately devised at the edges of the site adjacent to other dwellings (primarily to the western part of the site) so as

to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity but there is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard. Whilst there could be likely to be some impacts on occupiers of dwellings in the vicinity of the proposed vehicular access (and including from vehicular movements and, potentially, vehicle headlights), it is accepted that such impacts would not represent unacceptably adverse loss of amenity, and a refusal of planning permission on such an issue would be unlikely to be sustainable on appeal.

Ecology

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

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

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

In terms of the potential impacts on protected species, the Preliminary Ecological Assessment confirms that additional survey work is required in respect of bats, amphibians, reptiles, badgers and breeding birds. Reference to additional survey work is included within the separate submitted Protected Species Surveys report.

Whilst the County Ecologist had initially raised concerns with regard to the earlier scheme's illustrative layout, she raises no objections to the scheme now proposed. On this basis, and whilst the Leicestershire and Rutland Wildlife Trust raises concerns that the site, alongside other nearby sites, forms part of a wider mosaic of habitats, it is nevertheless accepted that unacceptable harm to specific interests of ecological importance would be difficult to

demonstrate and, as such, the proposals would meet the requirements of the NPPF in this regard and are acceptable.

Proposed Main Town Centre Uses

The proposed development includes a convenience store of up to 400sqm (gross), and including retail floor space of up to 280sqm, and the planning application is supported by information in respect of the sequential test and impact (although, given the scale of the proposed retail development (which falls below the 2,500sqm threshold set out in the NPPF), no supporting information in respect of retail impact is required by the NPPF per se).

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

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

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

On the basis of the above, therefore, having regard to the proposed retail unit's association with the proposed residential development, it is considered that the proposed development would be

acceptable in retail / town centre policy terms, and would not adversely affect the vitality and viability of nearby centres.

Heritage Issues

The application is supported by an Archaeological Desk Based Assessment. This concludes that the site has low potential for as-yet to be discovered archaeological assets within the site (other than a Medieval deer park boundary along the southern boundary of the site which, on the basis of the illustrative proposals, would remain intact); the County Archaeologist raises no objections subject to conditions including a requirement for the provision of a written scheme of investigation (including a programme of archaeological mitigation), together with a heritage management scheme for the southern earthwork boundary.

In terms of other heritage issues, the Assessment concludes that there would be no direct or indirect impacts on the nearby Scheduled Monument (rabbit warren on Warren Hills) or listed buildings (or their settings) in that they would be screened from the development by intervening built development; there are no Conservation Areas within the immediate vicinity of the site. Whilst the site is within the vicinity of Abbots Oak (a Grade II listed building), by virtue of the distance between the listed building and application site (approximately 200m) and the intervening woodland, no material impact on its setting is considered likely.

Geo-Environmental Conditions

A Phase 1 Geo-environmental site assessment has been submitted with the application which provides an assessment of the site's ground conditions, and indicates that, given the site's agricultural history, there is not considered to be significant potential for contamination. A further intrusive survey is recommended. Whilst no further comments have to date been received from the District Council's Environmental Protection team in terms of geo-environmental conditions, the no new issues are raised in this regard vis-à-vis the earlier proposals to which no objections were raised subject to conditions.

Other Matters

Developer Contributions

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

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

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The relevant developer contributions are listed below. The applicants' Planning Statement advises that they propose contributions in respect of affordable housing, education, on-site open space / children's play, highways / public transport (i.e. a contribution to the District and County Council's Coalville transportation infrastructure contributions strategy), National Forest planting and community facilities. Insofar as the other contributions sought are concerned, the applicants have been asked to confirm whether they would be agreeable to making the contributions requested; at the time of preparing this report no detailed response had been received, but any received subsequently will be reported on the Update Sheet.

Means of Access and Transportation

In view of the unresolved position in respect of these issues, the range of contributions required are not as of yet known. However, it would be anticipated that these would be likely to include items in respect of, amongst others, public transport (including measures designed to encourage its use by future residents), and the District Council's Coalville transportation infrastructure contributions strategy. The applicants have indicated that, in principle, they would be agreeable to making a contribution in respect of Coalville's transportation infrastructure.

Affordable Housing

The applicants propose to make an affordable housing contribution of 20% (25 units) which would meet the relevant requirements as set out in the District Council's Affordable Housing SPD.

Insofar as unit size and tenure types are concerned, the applicants propose that 79% of the units would be rented and 21% intermediate units; subject to the rented properties being affordable rented, the District Council's Strategic Housing Team is content with the proposals in principle. Whilst the applicants' Planning Statement also then indicates that they would prefer to make an affordable housing contribution as an off-site commuted sum, there would appear no overriding reason why on-site provision could not be made. As such, subject to the appropriate provision being made on-site, and subject to the applicants entering into a suitable Section 106 agreement including the relevant requirements of the Strategic Housing Team, the proposals are considered acceptable in this regard. In terms of the proposed development's contribution towards sustainable development, the development would therefore score well insofar as this aspect of the social dimension is concerned.

Children's Play and Public Open Space

The illustrative masterplan shows a significant proportion of the site given over to landscaping, retained and proposed tree / hedgerow planting and other open space, with the open space including an on-site equipped children's play area. In terms of the extent of the equipped parts of the play area, on the basis of the illustrative details, this is indicated on the illustrative masterplan as being 400 square metres in area. Under the Local Planning Authority's Play Area Design Guidance SPG, children's play areas should be provided at a rate of 20 square metres per dwelling. Therefore, for a development of 122 dwellings, an area for children's play of 2,440 square metres would normally be required. Whilst this represents a shortfall in this regard, the extent of the "play area" in its general terms (which is the figure to which the SPG relates) is normally calculated in its wider sense and, when taking into account the other landscaped open space in the immediate vicinity of the equipped play area, the minimum requirements of the SPG would be comfortably met. Overall, the illustrative material indicates that approximately 41% of the site would be given over to public open space / landscaping / National Forest planting.

In terms of the range of equipment necessary, for developments of this number of dwellings, Local Plan Policy L22 and the District Council's SPG requires that the needs of children up to the age of 14 should be provided for, including a minimum of 8 types of activity, as well as a "kickabout" area. In addition, formal recreation open space (e.g. sports pitches) should also be provided for. On the basis of the submitted illustrative layout, it would appear that no on-site "kickabout" area or recreational open space provision is proposed. In terms of the requirement for a "kickabout" area, it is noted that the applicants' Planning Statement confirms that an on-

site policy compliant play area would be required and, therefore, this could still, it would seem, potentially be secured as part of the proposed obligations in respect of policy-compliant on-site play. Insofar as the requirement for formal recreation open space is concerned, however, it is understood from the District Council's Environmental Development Officer that, in this case, given the availability of capacity on the nearest publicly accessible playing fields, it would be possible to accommodate any additional users without significant impacts on existing facilities and, notwithstanding the lack of provision proposed to be made (and the resulting conflict with the adopted SPG), a refusal on this issue would be unlikely to be successful on appeal.

National Forest planting

As set out above, the applicants' proposals include the provision of on-site planting to meet the relevant National Forest planting requirements, and the proposals are therefore considered appropriate in this regard.

Education

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

Primary School Requirements:

The site falls within the catchment area of Warren Hills Primary School. The School has a net capacity of 198 and 257 pupils are projected on roll should this development proceed; a deficit of 59 places (of which 29 are existing and 30 are created by this development). There are currently no pupil places at this school currently being funded by Section 106 agreements from other developments in the area. However there is one other primary school within a two mile walking distance of the development (Broom Leys Primary School) which has a surplus of 48 pupil places, and an education contribution (£124,377.82) in respect of the 11 places unable to be accommodated is therefore requested for this sector.

High School Requirements:

The site falls within the catchment area of Castle Rock High School. The School has a net capacity of 600 and 607 pupils are projected on roll should this development proceed; a deficit of 7 places. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area. There is one other high school within a three mile walking distance of the development (Newbridge High School) which has a deficit of 46 pupil places, and an education contribution (£218,089.27) in respect of the 13 places generated by the development is therefore requested for this sector.

Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1193 and 1375 pupils are projected on roll should this development proceed; a deficit of 182 places (of which 169 are existing and 13 are created by this development). There are currently no pupil places at this school currently being funded by Section 106 agreements from other developments in the area. There are no other upper schools within a three mile walking distance of the development, and an education contribution (£223,932.95) in respect of the 13 places generated by the development is therefore requested for this sector.

At the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the education contributions sought.

Civic Amenity

A contribution of £7,976 is sought by Leicestershire County Council towards civic amenity facilities so as to accommodate the additional use of the Coalville Civic Amenity site; at the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the contribution sought.

Library Services

Leicestershire County Council advises that an additional 176 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 423 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £3,680 is therefore sought by the County Council. The applicants have been requested to confirm whether or not they would be willing to make the contribution requested; at the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the contribution sought.

Healthcare

In respect of the earlier application, NHS England had requested a developer contribution in respect of healthcare given the anticipated impacts on services, but has not done so in respect of the current, reduced, application.

Contributions Sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £44,774 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£4,997
Vehicles	£3,101
Additional radio call capacity	£311
Police National Database	£159
Additional call handling	£284
ANPR	£2,055
Mobile CCTV	£375
Additional premises	£33,248
Hub equipment	£244

It is considered that, in principle, contributions towards policing may be capable of being justified in terms of satisfying the relevant NPPF and CIL Regulations tests. In terms of the increased level of police activity associated with the proposed development, Leicestershire Police advises that the scheme would result in 220 additional calls, 28 emergency events, 17 non-emergency events and 12 additional recorded crimes per year. Whilst officers have no alternative data in respect of these levels of activity, officers are concerned that the level of additional calls on Police time assumed to be associated with this development of 122 dwellings could be somewhat excessive and, as such, the scale and kind of contributions sought may not be fairly and reasonably related to this development. Insofar as the various individual elements of the requested policing contribution are concerned, however (and putting the issue raised above to one side), it is considered as follows:

Start up equipment / training:

It is accepted that, in principle, such a contribution could be reasonable.

Vehicles:

It is accepted that, in principle, such a contribution could be reasonable.

Additional radio call capacity:

The process of improving radio cover / capacity is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Police National Database:

The process of improving capacity of the Police National Database is, it seems, an ongoing process and would appear to occur regardless of the development going ahead.

Additional call handling:

It is accepted that, in principle, such a contribution could be reasonable.

ANPR:

It is not accepted that the proposed development would justify the installation of ANPR CCTV systems (and that, in the development's absence, ANPR would not be required). If there is a need to provide ANPR coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of these dwellings to the town would suggest that such a system would be required when, in the absence of the development, it was not.

Mobile CCTV:

It is not accepted that the proposed development would justify the installation of mobile CCTV systems (and that, in the development's absence, mobile CCTV would not be required). If there is a need to provide mobile CCTV coverage of this area because of existing crime figures, the cameras should, it is considered, be provided regardless. It is not considered clear why the addition of these dwellings to the town would suggest that such a system would be required when, in the absence of the development, it was not.

Additional premises:

The contribution request from Leicestershire Police provides that, within North West Leicestershire, policing is delivered from Coalville LPU premises, and that occupation of premises is maintained at capacity. Contributions are sought for Coalville LPU, plus the Basic Command Unit (BCU) at Loughborough and the Force HQ at Enderby. Insofar as Coalville LPU is concerned, Leicestershire Police advises that occupation is maximised but constrained by its age and condition. Replacement to existing needs is, Leicestershire Police advises, being planned although it is suggested that the proposed development would create a need for additional floorspace. The District Council is also advised that a replacement facility at Loughborough has recently been completed and that this would need to be extended to accommodate staff to cover the proposed development; extension of the Force HQ would also, Leicestershire Police suggests, be required to serve the proposed development, and the request also suggests that the remainder of the premises contribution be directed towards other, unspecified, force-wide premises serving North West Leicestershire. Whilst Leicestershire Police maintains that additional floorspace is required at all of these locations to serve the proposed residential development, it would appear unlikely that a development of this scale would result in such a level of increased employment so as to necessitate extensions to accommodation at all three sites, notwithstanding that Leicestershire Police confirms that all facilities are maintained at capacity. It is not considered that the force has demonstrated that there is definitely no capacity to accommodate additional staff, nor that its various sites would actually be extended to meet any additional accommodation requirement directly attributable to

the development in hand.

Hub equipment:

No information has been submitted which indicates that the proposed development would require the opening of a new hub (nor is any information provided as to where such a facility would be located).

On this basis, therefore, officers are of the view that, subject to the Police being able to demonstrate in a robust manner that the assumed levels of increased policing activity are appropriate given the scale of the proposed development, contributions in respect of the start up equipment / training, vehicles and call handling have the potential to satisfy the relevant NPPF and CIL tests. It would also be necessary for Leicestershire Police to demonstrate that no issues in respect of pooling would arise (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

The applicants have been requested to confirm whether or not they would be willing to make the contribution requested but, at the time of preparing this report, had not confirmed that they would be. As matters stand, therefore, it must be assumed that the making of this contribution does not form part of the applicants' proposals and, as such, approval of the scheme would not secure appropriate contributions towards mitigating the impacts of the development on policing services (insofar as those elements identified above as meeting the relevant NPPF and the CIL Regulations tests are concerned, and providing that appropriate evidence can be provided to support Leicestershire Police's assumptions on the likely levels of increased policing activity attributable to the proposed development).

Other Contributions

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

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

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

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

Conclusions

As set out in the main report above, the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, the majority of which falls within the Best and Most Versatile agricultural classification. Whilst located adjacent to the existing settlement, and whilst it would appear to have a fair level of accessibility to local services, the District Council is currently able to demonstrate a five year plus buffer housing land supply. Whilst there is an ongoing need to demonstrate (and maintain) a five year housing land supply, when taking into account the site's location within an Area of Particularly Attractive Countryside (and the presumption contained within Local Plan Policy E22 against development which would diminish the present open character of such areas), the view is taken that the proposed development would not, overall, constitute sustainable development. Furthermore, the application as submitted does not make appropriate contributions to infrastructure required to accommodate its additional impacts, and the applicants have failed to demonstrate that an appropriate form of design would be secured.

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

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

development (and including its economic dimension) and also provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure. The application as submitted does not include for appropriate contributions in respect of associated infrastructure (including mitigation for the impacts of the proposed development in terms of education, library facilities, civic amenity and policing), contrary to the policies and intentions of the NPPF.

- 4 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in contributing to protecting and enhancing our built environment. Policy H7 of the adopted North West Leicestershire Local Plan seeks good quality design in all new housing developments, and Policy E4 requires new development to respect the character of its surroundings. When assessed against Building for Life 12, the applicants have failed to demonstrate that the proposed development would provide for, amongst others, a suitable form of layout, appearance and relationship / connectivity to surrounding land. The application has therefore failed to demonstrate that the proposals would provide for an appropriate form of design which would contribute towards protecting and enhancing the built environment and, as such, the proposals would not constitute a sustainable form of development, contrary to the policies and intentions of the NPPF and Policies H7 and E4 of the North West Leicestershire Local Plan.

Notes to applicant

- 1 Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Local Planning Authority acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Local Planning Authority has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.