

Residential Development and Associated Infrastructure
(outline - all matters other than part access included)

Report Item No
A1

Land Rear Of Hall Lane Whitwick Leicestershire

Application Reference
14/00800/OUTM

Applicant:
Mr Terry McGreal

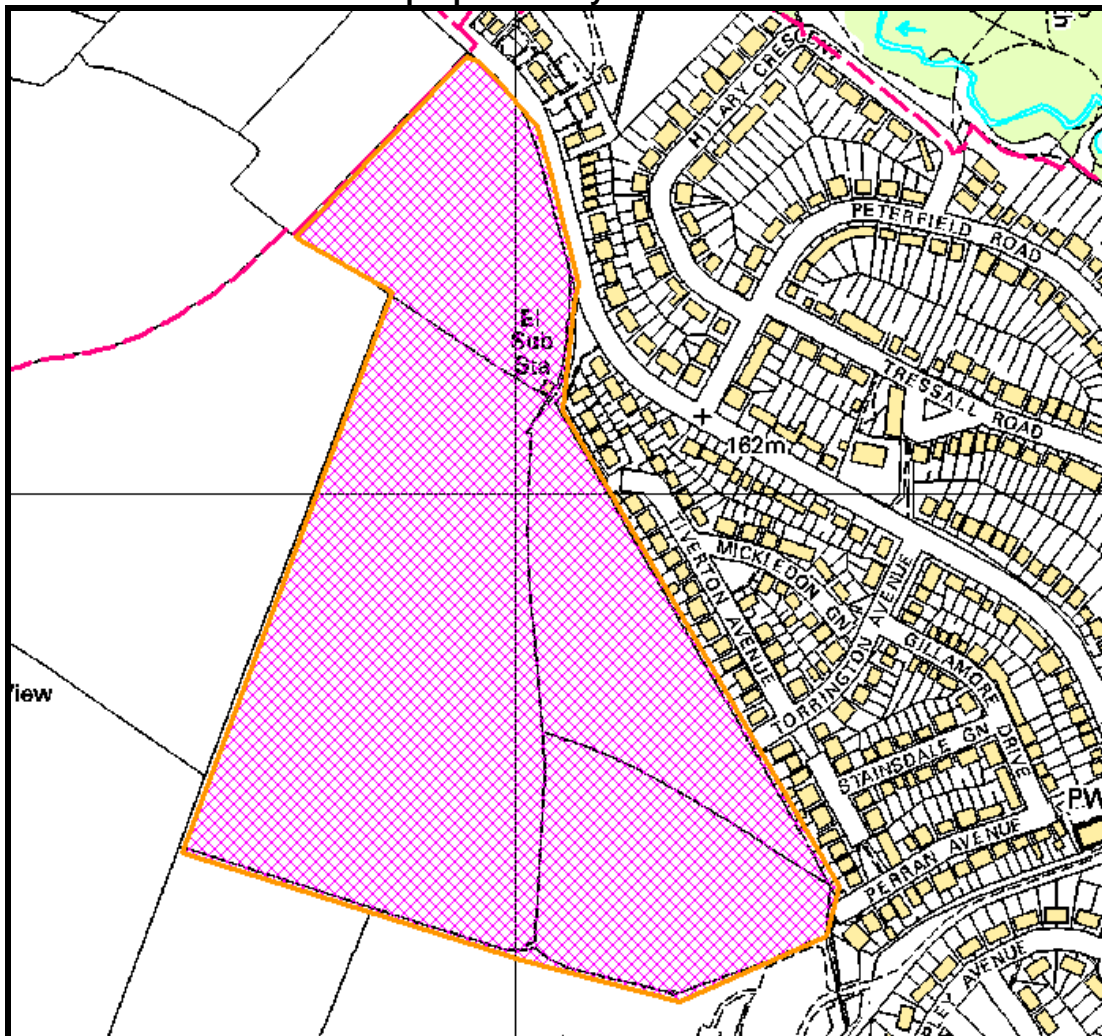
Date Registered
29 September 2014

Case Officer:
James Knightley

Target Decision Date
29 December 2014

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.

Consultations

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

Planning Policy

Whilst the application site lies within Limits to Development as defined in the adopted North West Leicestershire Local Plan it is also within a Green Wedge and, therefore, is subject to Policy E20 of the adopted North West Leicestershire Local Plan. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF).

Conclusion

The report below indicates that, whilst the site has a reasonable degree of connectivity to local services, and whilst the District Council is currently unable to demonstrate 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 a Green Wedge (wherein Local Plan Policy E20 presumes against development which would adversely affect or diminish the present open and undeveloped character of such areas), and the resulting contribution towards the coalescence of Coalville and Whitwick. In addition, the application as submitted does not provide sufficient information to demonstrate the potential impacts on air quality within the Coalville Air Quality Management Area, nor does it 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 16.6 hectares primarily comprising agricultural land on land to the south west of Hall Lane, Whitwick. The submitted illustrative material indicates that up to 216 dwellings would be provided (having been reduced from earlier proposals which showed up to 250 units).

All matters other than access (insofar as the points of vehicular access into the site are concerned) are reserved. Whilst all other matters are reserved for subsequent approval, illustrative plans have been submitted showing the areas of the site wherein proposed dwellings would be sited, together with areas of public open space / children's play, SUDS features and proposed tree planting / landscaping. The submitted access proposals show two points of vehicular access: firstly a new priority access from the northern section of the site onto Hall Lane (approximately opposite nos. 219 and 221 Hall Lane); and secondly, the extension south westwards of Torrington Avenue into the application site.

The site is adjacent to agricultural, recreational and residential land, and forms part of the wider Stephenson Green site the subject of application 10/01208/OUTM, a mixed use scheme proposing, amongst others, up to 1,420 new dwellings, a new primary school, a village centre and recreation facilities. An appeal against the non-determination of that application was considered at an inquiry in 2012 and dismissed by the Secretary of State. A subsequent High Court challenge against the Secretary of State's decision was dismissed in 2013.

2. Publicity

131 no neighbours have been notified (date of last notification 20 August 2015)

Press Notice published 29 October 2014

Site notice posted October 2014

3. Consultations

Clerk To Whitwick Parish Council consulted 23 October 2014

LCC ecology consulted 24 October 2014

County Highway Authority consulted 24 October 2014

Environment Agency consulted 24 October 2014

Severn Trent Water Limited consulted 24 October 2014

Head of Environmental Protection consulted 24 October 2014

NWLDC Tree Officer consulted 24 October 2014

County Archaeologist consulted 24 October 2014

Airport Safeguarding consulted 24 October 2014

NWLDC Urban Designer consulted 24 October 2014

National Forest Company consulted 24 October 2014

LCC Development Contributions consulted 24 October 2014

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 24 October 2014

Development Plans consulted 24 October 2014

Head Of Leisure And Culture consulted 24 October 2014

Manager Of Housing North West Leicestershire District Council consulted 24 October 2014

Police Architectural Liaison Officer consulted 24 October 2014

LCC/Footpaths consulted 24 October 2014

NWLDC Footpaths Officer consulted 24 October 2014

Highways Agency- Article 15 development consulted 24 October 2014

Head Of Street Management North West Leicestershire District consulted 24 October 2014

4. Summary of Representations Received

Environment Agency has no objections subject to conditions

Highways Agency (now Highways England) has no objections (although notes its expectation that an appropriate contribution will be sought towards transportation infrastructure so as to mitigate any unacceptable impacts at strategic highway network junctions).

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Local Education Authority requests a developer contribution of £17,867.17 in respect of additional provision in the high school sector

Leicestershire County Council Library Services Development Manager requests a developer contribution of £13,040 in respect of Coalville Library

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £15,691 in order to mitigate the impact on civic amenity waste facilities in the local area.

Leicestershire County Council Landscape Officer has no developer contribution requirements

Leicestershire County Council Highway Authority has no objections subject to conditions and developer contributions

Leicestershire Police objects unless a developer contribution of £77,963 in respect of policing is provided

National Forest Company has no objections subject to conditions

North West Leicestershire District Council Cultural Services Officer has no objections

North West Leicestershire District Council Environmental Health objects in the absence of an air quality assessment

Severn Trent Water has no objections subject to conditions

Whitwick Parish Council objects on the all of the previous grounds for refusal of development on the Green Wedge up to and including the Judicial Review which remain valid and with particular reference to inadequate access, drainage, local public service infrastructure and detriment to air quality. In the event that the District Council permits the application, the Parish Council requests the inclusion of Section 106 obligations with regard to traffic calming on Hall Lane and the transfer of green buffer zones into public ownership as a guarantee against further expansion

Third Party Representations

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

- Unsafe access

- Increased traffic / congestion
- Subsidence / geological fault
- Loss of Green Wedge
- Would lead to coalescence of Whitwick and Coalville
- Development of the site previously refused (and decision upheld by the Secretary of State and the High Court)
- Insufficient infrastructure (including schools, healthcare, water, sewerage, public transport and highway network capacity)
- Loss of privacy
- Loss of light
- Loss of views
- Brownfield sites should be developed rather than greenfield
- District Council has a five year supply of housing
- Adverse impact on air quality
- Increased flood risk
- Noise
- Loss of good quality agricultural land
- Impact on human and animal health
- Loss of biodiversity
- Loss of community cohesion
- Site outside Limits to Development
- Impact on wildlife
- Loss of property value

In addition, a petition including 111 signatures has been forwarded by Councillor Wyatt, calling upon officers to object to the application as the site is within the Green Wedge and should be protected by Policies S3 and E20.

Objections have also been received from the **Whitwick Action Group** on the following grounds:

- Site is valuable agricultural land
- Site is part of the protected Green Wedge
- Character of the settlements is distinguished by this strategic gap between them and the urban form of the area shaped by the Green Wedge in its entirety
- Site is precious green infrastructure
- Site is an irreplaceable amenity
- Site has informal recreation value
- Insufficient transport infrastructure
- No longer any need for additional housing in the area
- No changes in circumstances since the previous proposals including in respect of the site's Green Wedge location, Local Plan Policy E20, the appeal report / decision and the High Court challenge
- Site identified as part of an Area of Separation under Policy En5 of the draft Local Plan

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 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 56 (Requiring good design)
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 120 (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 S2 - Limits to Development
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 E20 - Green Wedge
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 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 (which, for the purposes of the SPD, includes the settlements of Coalville, Whitwick, Thringstone, Greenhill, Ellistown and Battleflat, Bardon and Hugglescote).

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.

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

The site lies within Limits to Development as defined within the draft Local Plan, but is also within an Area of Separation. The majority of the site also falls within the Charnwood Forest. Relevant draft policies include:

Policy S1 - Presumption in favour of sustainable development
Policy S5 - Design of new development
Policy H4 - Affordable housing
Policy H6 - House types and mix
Policy IF1 - Development and infrastructure
Policy IF3 - Open space, sport and recreation facilities
Policy IF4 - Transport infrastructure and new development
Policy IF7 - Parking provision and new development
Policy En1 - Nature conservation
Policy En3 - The National Forest
Policy En4 - Charnwood Forest Regional Park
Policy En5 - Areas of Separation
Policy En6 - Land and air quality
Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment
Policy Cc2 - Sustainable design and construction
Policy Cc3 - Flood risk
Policy Cc4 - Water: Sustainable drainage systems

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 within Limits to Development. Policy S2 provides that development will be permitted within Limits to Development where it complies with the policies of the Local Plan. Of particular relevance to the proposals' compliance with Policy S2 (and its requirement for proposals to comply with other policies within the Local Plan) is the site's location within a Green Wedge and, therefore, the need to comply with Local Plan Policy E20.

In detail, Policy E20 provides that:

"Development will not be permitted which would adversely affect or diminish the present open and undeveloped character of the Coalville-Whitwick-Swannington Green Wedge, identified on the Proposals Map.

Appropriate uses in the Green Wedge are agriculture, forestry, minerals extraction and outdoor sport and recreation uses.

Any built development permitted within the Green Wedge will be limited to minor structures and facilities which are strictly ancillary to the use of the land for these purposes."

The applicant considers that Policy E20 is out of date and, under the provisions of Paragraph 215 of the NPPF, cannot be given full weight. [Paragraph 215 allows decision makers to give due weight to policies in existing plans according to their degree of consistency with the NPPF (i.e. the closer the policies are to the NPPF policies, the more weight may be afforded to them).] However, when determining the previous appeal, the Secretary of State and his Inspector were of the view that the policy remained relevant and was not out of date, and when considering the subsequent High Court challenge, the Judge determined that they were entitled to make this

planning judgement.

Insofar as the proposals' compliance or otherwise with Policy E20 is concerned, it is considered that the proposals would clearly not meet the requirements of the policy. However, notwithstanding the Green Wedge 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.

In addition, consideration needs to be given to the degree of harm that the development of the site would cause to the area, and the wider Green Wedge.

In dismissing the previous appeal, the Secretary of State determined that the appeal scheme would have had "a very profound impact on the purposes, identity and character of this part of the designated Green Wedge, and would undermine its purposes, almost nullify its identity, and completely change its character" and that the Green Wedge would, in large part, have been permanently lost. He also considered that the overall effect of the proposed development would, by eroding the Green Wedge to a large extent, have been tantamount to the undesirable coalescence of Coalville and Whitwick.

Clearly, the current proposals are of an entirely different scale to those the subject of the earlier appeal, with the application site comprising less than 25% of the original wider site area. As such, it is not considered that the current proposals would necessarily have as significant an impact on the function of the wider Green Wedge and its role in retaining the existing separation between Coalville and Whitwick than as identified by the Secretary of State in respect of the appeal proposals. However, notwithstanding this reduced degree of impact on the character and function of the Green Wedge, it nevertheless remains the case that the development of this site would, albeit to a lesser extent, serve to reduce the separation between the two settlements, and would contribute towards their coalescence.

The adopted Local Plan also makes reference to the recreational aspects of the Green Wedge; whilst much of the section of the Green Wedge the subject of the current application is visible from public viewpoints (and, therefore, there are, it is considered, some amenity benefits accruing from its current state), the site itself is not subject to extensive public access (via public rights of way etc) so, in this sense, the adverse impacts on the recreational benefits of its loss would not be significant (and, in fact, the proposed open space contributions would enable access to a proportion of the site not currently available). However, it would nevertheless remain the case that its loss (in part) to residential development would reduce its future recreational use potential. Notwithstanding the recreational aspects to the Green Wedge, however, the Inspector's Green Wedge-related concerns in respect of the previously refused scheme appeared to focus on the resulting loss of separation between settlements which the development would have led to. As set out above, whilst it is accepted that, in terms of scale, the extent of the loss of Green Wedge (and, accordingly, the increased convergence of the respective settlements) would not be directly comparable to that previously proposed. Nevertheless, the scheme would still, inevitably, result in a partial loss of the open / undeveloped character of the Green Wedge, and would still, to an extent, contribute to the adverse impacts identified by the Secretary of State.

It is noted that, in the draft Local Plan, the current Green Wedge designation is not currently proposed to be carried forward; in the case of those sections of the existing Green Wedge between Coalville and Whitwick, they are proposed to be identified as Areas of Separation. In terms of the rationale behind this proposed policy status of the areas affected, this was

considered at the Local Plan Advisory Committee in March 2015 where it was explained in the officer report that the reason for identifying them as Areas of Separation would make the purpose of such a designation clear (i.e. to ensure that Coalville and Whitwick retain their separate identities). At this time (and as set out under Relevant Planning Policy above), it is considered that only very limited weight may be attributed to the emerging Local Plan's policies, and greater weight should continue to be attached to the adopted Local Plan's policies (and including Policy E20). Nevertheless, it is clear at this time that the Local Planning Authority's intention is to seek to retain appropriate policies designed to prevent coalescence between the two settlements.

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 Inspector's decision concerning the Greenhill Road appeal sets out that the Local Planning Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicates that planning permission for new homes should normally be granted.

In addition, consideration must 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 this policy is considered to be out of date (by reason of the inability to demonstrate a five year supply of housing, and because a sequential approach to residential development is outdated in the context of the NPPF), the sustainability credentials of the scheme (in terms of accessibility to services) would still need to be assessed.

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 currently agricultural land within the Green Wedge, 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 Whitwick and the range of services available therein, it performs relatively well in this regard. The site entrance is approximately 850m from the Local Centre of Whitwick (being the closest point of the Local Centre as defined in the adopted Local Plan), albeit the proposed dwellings would be further from the Local Centre. There are also other facilities in closer proximity (including a general store, schools and the Coalville Community Hospital). The site is also within close proximity of a number of bus stops along Hall Lane; these stops are served by the Arriva No. 29A bus route connecting Leicester with Coalville via Whitwick on Mondays to Saturdays at approximately 30 minute intervals during the daytime, and hourly during the evenings and 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 secure and

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. It also accepted that, as already outlined, Policy H4/1 is not up-to-date in the context of the NPPF. Nevertheless, it is not considered that these factors would override the Green Wedge concerns identified above.

Other Matters

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 and, subject to the inclusion of appropriate contributions to local services, the scheme has the *potential* to sit well in terms of both the economic and social dimensions (although attention is drawn to the issues in respect of policing contributions as discussed in more detail under Developer Contributions below). Insofar as the environmental role is concerned, however, and whilst the proposals would be relatively well located in terms of need to travel and the movement towards a low carbon economy, for the reasons set out above, the proposed development would result in the development of part of the Green Wedge with the resulting environmental dimension impacts of this. The resulting environmental harm from these impacts would, overall, it is considered, indicate that, even when taking into account any positive elements attributable to the economic and social dimensions, the proposals would not represent sustainable development. Similarly, the air quality issues as set out in more detail below could weigh against the proposals in this regard.

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 other than the points of vehicular access into the site (i.e. the new priority access from Hall Lane and the extension of Torrington Avenue). The illustrative material also shows pedestrian and cycle links into the site from the north western end of Tiverton Avenue and the south western end of Perran Avenue; these would be a matter for the reserved matters stage(s), however.

The application is accompanied by a Transport Assessment and a Framework Travel Plan. These documents indicate that, in the applicant's consultants' opinion, the development is in a location that is accessible by foot, cycle and bus to a range of local services. The submitted Travel Plan sets out a range of objectives, measures and targets which seek to encourage residents of the proposed development to minimise reliance on the private car for accessing services. As set out above, it is considered that, in terms of need to travel and access to public transport, the site is reasonably well located. No objections in respect of the accessibility credentials of the site are raised by the County Highway Authority, although it considers that, in order to ensure / encourage modal shift towards sustainable forms of travel to and from the site, travel packs, bus passes and improvements to the nearest bus stops should be secured.

Proposed Site Accesses

The proposed Hall Lane access is designed as a priority junction and would be the primary access into the development. The County Highway Authority notes that Hall Lane is, at this point, subject to a 30mph speed limit. Having regard to vehicle speed measurements on Hall Lane undertaken by the applicant's consultants, the County Council accepts that no measures are required along Hall Lane to reduce vehicle speeds. It also confirms that the submitted PICADY assessments show that the access junction will operate within capacity in the 2019 with development scenario. No concerns are raised in respect of the proposed secondary access to the site Torrington Avenue.

Local Highway Network Impacts and Mitigation

For the junctions listed below, the County Highway Authority advises that the submitted PICADY assessments show that the junctions will operate within capacity in the 2019 with development scenario.

- Hall Lane / George Street
- Meadow Lane / Hall Lane / Blackwood
- George Street / Green Lane
- Green Lane Silver Street / Green Lane / Hermitage Road
- Meadow Lane / Greenhill Road / Broom Leys Road (Eastern)

Insofar as the Meadow Lane / Greenhill Road / Broom Leys Road (Western) junction is concerned, the County Council notes that the PICADY assessments show that, in the morning peak, this junction will operate within capacity in the 2019 plus development scenario. In the evening peak, this junction operates at or just above capacity for the first 45 minutes. From 17.14 to 17.30 the junction is over capacity both in the existing and 2019 base plus development scenarios with the PICADY assessment indicating an increase of 6 queuing vehicles in the 2019 base plus development scenario. However, the County Council accepts that on site observations suggested that queuing did not exceed 10 vehicles and cleared quickly and, as such, advises that it would be difficult to demonstrate a severe impact at this junction.

For the A511 Stephenson Way / Hermitage Road / Whitwick Road junction, the Transport Assessment indicates that, in the AM peak, percentage impacts on 2014 existing traffic flows would be 12.13% on the Hermitage Road approach, 2.46% on the Whitwick Road approach and 0.49% on the Stephenson Way approach. In the PM peak they would be 8.27% on the Hermitage Road approach, 3.18% on the Whitwick Road approach and 1.11% on the Stephenson Way approach. In the light of existing capacity and the cumulative impact of developments at this junction, the County Council does not agree with the applicant's consultants' view that the increases on traffic flow are minimal and would have no significant impact on traffic conditions at this junction. Similarly, in terms of additional queuing, the County Council considers that increases in maximum queues (from 9 to 86 vehicles in the AM peak and from 4 to 62 vehicles in the PM peak in the 2019 base plus development scenario) are significant and material. It is the view of the County Highway Authority that this junction is over-capacity and the proposed development would (together with other proposed developments) exacerbate the problem.

For the A511 Stephenson Way / Broom Leys Road junction, the Transport Assessment indicates that, in the AM peak, percentage impacts on 2014 existing traffic flows would be 7.49% on the Broom Leys Road approach and 2.04% on the Stephenson Way approach. In the PM peak they would be 3.51% on the Broom Leys Road approach and 5.44% on the Stephenson Way approach. Again, the County Council does not agree with the applicant's consultants' view that the development would have no significant impact on traffic conditions at the junction and that the impact could not be considered "severe". The County Highway Authority considers that the proposed development will have an adverse impact on this junction taking into account the cumulative impact of this and other developments.

In the light of the concerns identified by the County Highway Authority in respect of the Stephenson Way junctions referred to above, improvements to these junctions are proposed.

For the A511 Stephenson Way / Hermitage Road / Whitwick Road junction, the applicant's potential improvement scheme includes widening of the Whitwick Road and both Stephenson Way approaches to the roundabout to increase the length of the two lane sections. Based on

Ordnance Survey mapping and two dimensional drawings, the applicant's technical note gives an estimated scheme cost of £35,000 but no specific contribution is offered in respect of this junction. For its part, the County Highway Authority considers that the improvement is required to mitigate the impact of this development and that the scheme suggested is deliverable. The area of widening is within the adopted highway and, in the County Council's view, would meet the CIL tests as it would be directly related, and be fairly and reasonably related in scale and kind, to the development. However (and given that the applicant does not offer a commuted sum for the improvements), the County Highway Authority recommends the imposition of a condition requiring the provision of the highway works identified (and which could be undertaken under a Section 278 agreement between the County Council and the developer).

Insofar as the A511 Stephenson Way / Broom Leys Road junction is concerned, the applicant's potential improvement scheme includes an extension to the two lane westbound approach on Broom Leys Road; the applicant's technical note gives an estimated scheme cost of £255,000 based on Ordnance Survey mapping and two dimensional drawings. The applicant therefore offers a contribution of £255,000 towards improvements at this junction.

Whilst such a contribution would appear to allow for a solution to be implemented at this junction in order to mitigate the identified harm (and whilst the County Council is content that the scheme is, from a technical point of view, feasible), it is not clear whether this particular scheme would also be sufficient to accommodate other developments in the Coalville area impacting upon this junction. As such, the applicant confirms that it would be content for the contribution to be pooled with contributions collected from other developments to mitigate wider traffic impacts on this particular junction; the County Council confirms that it would wish to use the contribution towards a larger scheme of improvements at this junction in the future, and is content with the mitigation proposal in this regard. On this basis, and on the basis of other conditions plus other developer contributions in respect of travel packs, bus passes and bus stop improvements (as referred to above) plus obligations in respect of Travel Plan monitoring and construction traffic routing, the County Highway Authority raises no objections to the application.

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

The report to Cabinet of 15 January 2013 included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute; based on the figures available at that time, the calculations provided to Cabinet suggested a potential contribution of between £4,419 and £4,884 per dwelling. If such a range of sums were used in this instance a scheme of, say, 216 dwellings, would equate to a contribution of between £954,504 and £1,054,944.

Whilst the report to Cabinet of 15 January 2013 set out a range of figures for potential contributions, there is no policy per se requiring payment of these sums (which would, in effect, be in the form of a "tariff"). Elsewhere in the wider Coalville area, contributions secured in association with developments have been negotiated on a site by site basis and have, for the most part, been accompanied by reduced contributions elsewhere (principally affordable housing) where viability is affected, and in accordance with the adopted *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy.

As noted, a contribution of £225,000 has been offered in this case and, it would appear, the applicant is only agreeable to it being spent on a specific junction (i.e. Broom Leys Crossroads). In this instance, no viability issues have been raised by the applicant and, as will be noted below, a full, policy compliant, affordable housing contribution of 20% is proposed.

As stated above, a "tariff" approach to contributions is not used, although it is accepted that, as a rough guide related to the scale of the development, the level of contribution proposed here would fall some way below that secured elsewhere. Whilst, in this case, the applicant has been able to demonstrate that a less than severe impact would result on other junctions within the area, the approach of only seeking to mitigate impacts at junctions directly affected by the development in isolation can present problems insofar as the County Council's ability to coordinate mitigation across the wider network in response to various developments and address cumulative effects from what may (individually) be relatively minor impacts is concerned. Also, by limiting the County Council's flexibility to be able to direct combined funds to the various affected junctions, this could slow the rate at which funds are collated so as to enable the County Council to be able to undertake a particular mitigation project. However, given that, in this instance, the County Council has confirmed that it is satisfied with the approach proposed, it is recommended that the applicant's proposed mitigation contribution be agreed. Whilst, as set out above, the sum is relatively small compared to those secured elsewhere, there is no set formula in this regard. Whereas other developments have provided greater transportation contributions, it is acknowledged that:

- (i) The larger contributions associated with other developments are often secured in the context of reduced affordable housing contributions;
- (ii) Improvements to the Stephenson Way / Hermitage Road / Whitwick Road junction (which would otherwise be expected to be a scheme contributed towards under the contributions strategy) are proposed to be secured outside of the contribution mechanism by way of a Grampian style condition; and
- (iii) There has, in this case, been no viability appraisal to demonstrate whether an increased contribution could be provided but this is not considered necessary as, on the face of it, a transportation contribution based on an objective calculation has been offered, as has a full affordable housing contribution.

Overall, therefore, it is accepted that a reasonable approach to addressing off-site highways impacts is proposed in this instance.

Strategic Highway Network Impacts

Insofar as the strategic highway network is concerned, the then Highways Agency (now Highways England) has raised no objections in terms of the impacts on A42 Junction 13 and M1 Junction 22, but indicates that it has an expectation that an appropriate contribution towards mitigating the impacts from this and other development in the area on the relevant strategic network junctions will be secured by way of the Local Planning Authority's and Local Highway Authority's contributions strategy (and as discussed in more detail above).

Rights of Way

In terms of rights of way, the County Council's Rights of Way Officer notes that footpath O19A (which connects Perran Avenue to Meadow Lane) abuts the south eastern corner of the application site and that the illustrative layout plan shows a pedestrian link between the proposed development and this path; no objections to the provision of the proposed pedestrian link are raised.

Landscape and Visual Impact

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

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 area, including viewpoints in the immediate vicinity of the application site, together with others from further afield (including from Stephenson Way, Spring Lane (adjacent to Stephenson College) and Bardon Hill. Save for the views from Spring Lane and Bardon Hill, these viewpoints reflect the Zone of Visual Influence as identified in the LVIA.

In terms of the visual effects upon these 12 viewpoints, these are predicted at three principal phases (namely during construction, following completion, and at 15 years following construction (i.e. once mitigation has taken effect)), and identify a range of effects, ranging between negligible and high, and as set out below. As can be seen, the LVIA suggests that the majority of the viewpoints would, in the longer term, experience negligible visual effects.

Construction Phase:

Negligible 3

Low 2

Medium / Low 2

Medium 2

High 3

Year 0 (following completion):

Negligible 4

Low 5

High 3

Year 15:

Negligible 8

Low 1

High 3

In terms of the mitigation assumed in undertaking the LVIA (and upon which the Year 15 residual impacts would be dependent), this includes respecting existing field boundaries and the provision new tree planting and SUDS areas. The viewpoints where a high magnitude visual effect would be anticipated are those at Hall Lane, Torrington Avenue and Perran Avenue.

Insofar as landscape effects are concerned, the LVIA suggests that the overall magnitude would be "medium" given the partial alteration to the openness of the agricultural land between Coalville and Whitwick.

In terms of the relationship between landscape impact and the Green Wedge issues discussed above, the LVIA only appears to refer to an identified Green Wedge-related impact in respect of

the view from the most distant viewpoint (Bardon Hill). Nevertheless, there is an acknowledgement of landscape impacts on the Green Wedge insofar as mitigation in respect of the Green Wedge is recommended. The LVIA states that the proposals have been designed to "...minimise the effects on coalescence between Whitwick and Coalville by only developing the fields in a confined cluster adjacent to existing development on the eastern edge of the green wedge reducing the effect on the separation of the towns and the openness of the green wedge..."

As set out above, it is accepted that the impact in terms of coalescence will (inevitably) be reduced vis-à-vis the previous wider Stephenson Green scheme insofar as the extent of currently open land within the Green Wedge "lost" to development would be less given the smaller scale of the scheme. Nevertheless, the concerns raised above regarding the impact on the Green Wedge and the associated partial diminution of the separation between Coalville and Whitwick are considered to remain.

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, 30% of the site area (i.e. 4.98ha) 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 would meet the relevant requirements.

Insofar as existing trees are concerned, the application is supported by an Arboricultural Assessment assessing existing trees on the site, the majority of which are located on the site's periphery, and principally to the Hall Lane frontage. Whilst primarily a matter for the reserved matters stage(s), the Arboricultural Assessment suggests a small number of trees would be proposed to be removed; these include two Category U trees (i.e. those unsuitable for retention) which would, on the basis of the illustrative material, not be directly affected by the proposed built development. Some sections of hedgerow are also identified in the Arboricultural Assessment as to be removed, although the Assessment pre-dates the production of updated illustrative layout plans, and it may be the case that these would no longer necessarily be required to be removed (although, in any event, this would remain a matter for the reserved matters stage(s)). Insofar as trees required to be removed in order to implement the scheme as proposed in detailed form at the outline stage (i.e. those trees affected by the proposed accesses which are included for consideration at the outline stage) are concerned, on the basis of the submitted Arboricultural Assessment, three ashes (two of which are identified as being within Category B (moderate value)) would be felled to accommodate the proposed Hall Lane access. However, the Arboricultural Assessment appears to assume a slightly different point of access than as shown on the submitted access plans. On the basis of the proposed access plans, it seems that a Category C (low value) alder and a Category B wild cherry would be directly affected; it is not clear whether any additional trees would also be affected (e.g. by way of being sited within visibility splays etc). The Council's Tree Officer advises that, from an arboricultural point of view, the most appropriate location for the Hall Lane access would be approximately 50m south of the location as proposed. Clarification on these issues has been sought from the applicant's agent, and a response is awaited. However, as matters stand (and whilst the extent of potential additional tree loss either side of the access remains unclear), it is not considered that the effects of these issues are likely to be so harmful as to warrant a refusal of the application.

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.

Based on the information submitted with the previous application's Environmental Statement relating to the wider Stephenson Green site, approximately 7.1 hectares of the site the subject of the current application is within Grade 3a, with the remaining land falling within Grade 3b.

On this basis, approximately 43% of the application site would be BMV and, therefore, contrary to the thrust of the NPPF in this regard. In dismissing the previous appeal, the Secretary of State considered that, whilst not warranting refusal of the scheme on its own, the loss of around 25 hectares of BMV land represented another negative factor in the overall planning balance.

In the case of the previous appeal, the extent of loss of BMV land was significantly greater than would result from the current proposals. 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 magnitude 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 still weigh against the proposals in assessing whether the scheme constitutes sustainable development, and in the overall planning balance. It is also noted that the illustrative material submitted with the current application indicates that the northern-most parcel of the application site would remain available as open space; if this were the case then this 2.7 hectare area of BMV would not necessarily be permanently lost to alternative use, further limiting the extent of the loss to approximately 4.4 hectares. The Inspector in respect of the previous appeal took a similar approach and had regard to the extent of the BMV which would actually be built upon and could, if necessary, be reverted to agricultural use. In view of the limited extent of the loss, therefore, and the potential for the reserved matters scheme to not result in its irreversible loss in its entirety, it is accepted that the impacts would not be unacceptable in this regard.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has 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 tidal flooding in any one year) and, on this basis, the site is considered to pass the sequential test. The site is also considered to be at low risk of groundwater flooding, overland flows or surface water flooding (although it is noted that parts of the site are, on the basis of the Environment Agency's data, at risk of surface water flooding).

Insofar as the disposal of surface water is concerned, the FRA recommends the use of existing land drainage features on the site, and by providing storage facilities to accommodate the 1 in 100 year storm event (plus 30% for climate change); no objections are raised by the Environment Agency subject to conditions. In terms of foul drainage, the FRA notes that, whilst there is an existing sewerage network within close proximity of the development, Severn Trent Water advises that there may be insufficient capacity to accommodate flows from the development. It is noted that there may be scope for improvement works on the existing network, but a modelling assessment would need to be carried out to confirm this. The FRA also

notes that the existing topography of the site would allow for a gravity connection for some parts of the site to Hall Lane, but a pumping station for the lower areas would be required.

For its part, Severn Trent Water raises no objections subject to conditions and, whilst this matter is not fully resolved at this time, it would appear likely that a technical solution in respect of foul water disposal is possible in this case. As such, and in accordance with Paragraph ID 21a-009-20140306 of the DCLG's Planning Practice Guidance (and as suggested by the Environment Agency), it is considered that a Grampian-style (negatively worded) planning condition could be attached to deal with this issue.

Air Quality

As noted under Means of Access and Transportation above, the proposal is expected to result in the increased use of the junction of the A511 Stephenson Way and Broom Leys Road (the Broom Leys Crossroads). This junction lies within the Coalville Air Quality Management Area (AQMA), designated as an AQMA having regard to exceedances of the annual mean Air Quality Objective for nitrogen dioxide (principally associated with queuing vehicular traffic at the junction). In dismissing the previous wider Stephenson Green appeal, the Secretary of State agreed with his Inspector's conclusions that the development of the site would probably increase the number of exceedances of the relevant standard with its potential associated harm to human health and, as such, this issue counted against the scheme in the overall planning balance.

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. Further advice is also contained within the DCLG's Planning Practice Guidance.

In view of the predicted increased use of the junction identified in the Transport Assessment, it is considered that an associated increased concentration of nitrogen dioxide could result and, as such, the District Council's Environmental Protection team has requested the submission of an air quality assessment to identify the likely effects. Paragraph Ref ID 32-009--20140306 of the Planning Practice Guidance indicates that, where additional information on air quality is required, this needs to assess existing conditions and predict future air quality conditions both with and without the proposed development. If an unacceptable impact is identified (and cannot be mitigated), the Planning Practice Guidance advises that consideration should be given to refusing the application.

At the time of preparing this report, no assessment had been received and, as matters stand, therefore, insufficient information has been provided to enable the District Council's Environmental Protection team to come to a reasoned view on the likely air quality impacts of the proposed development. As such, the Local Planning Authority cannot be satisfied that approval of the proposals would not lead to an exacerbation of existing unsatisfactory conditions within the AQMA, and refusal on this issue is recommended. Should planning permission be refused and the matter progress to an appeal, however, it is recommended that, should appropriate supporting information be provided in the meantime, the associated reason for refusal not be pursued on this issue.

Design

The application is supported by a Design and Access Statement (and including a Building for Life assessment) setting out the applicant's 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 extensive discussions between the applicants and the Authority have resulted in a number of further iterations of the illustrative layout. The applicant's intentions are, it is understood, to promote a landscape-led scheme and the concerns raised relate to, amongst others, the lack of landscaping (and, in particular, the integration of landscaping within the built development part of the scheme). Concerns are also raised in respect of indicative built form and density, and their implications on character.

On this basis, the District Council's Urban Designer expresses concern that the applicant has failed to demonstrate that an appropriate form of development would be provided which would meet the requirements of Building for Life 12 (and, accordingly, the NPPF and the DCLG's Planning Practice Guidance). However, in this instance (and, in particular, in view of the fact that the application does not actually seek to establish a specified minimum number of dwellings), it is accepted that, with further work on the issue, there is unlikely to be any overriding reason why an appropriate form of residential development could not be achieved at the reserved matters stage.

Residential Amenity

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

In terms of future residents' amenities, the site is not located in an area where occupants would be expected to be subject to significant levels of noise emanating from other nearby land use, and the scheme is considered acceptable in this regard; no objections on noise grounds are raised by the District Council's Environmental Protection team.

Insofar as the amenity impacts on neighbouring occupiers arising from the proposed development are concerned, whilst a number of illustrative masterplans have been submitted, all matters (other than the proposed Hall Lane and Torrington Avenue accesses) are reserved for subsequent approval. Whilst the illustrative material indicates that an acceptable relationship between existing and proposed dwellings would be achievable, any reserved matters scheme would need to be appropriately devised to the north eastern boundary of the site adjacent to other dwellings (i.e. adjacent to properties on Tiverton Avenue, Stainsdale Green and Perran Avenue) so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity. 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 some impacts on occupiers of dwellings in the vicinity of the proposed vehicular accesses (and including from vehicular movements and, potentially, vehicle headlights etc.), it is accepted that such impacts would not represent unacceptably adverse loss of amenity.

Ecology

The application is supported by an Ecological Appraisal of the site. This provides that there are five Sites of Special Scientific Interest (SSSIs) within 2km of the application site (namely Coalville Meadows, Grace Dieu and High Sharpley, Charnwood Lodge, Holly Rock Field and Bardon Hill Quarry); Coalville Meadows is approximately 500m from the application site. Insofar as non-statutory designated sites are concerned, the closest Local Wildlife Site (Holly Hayes Wood) is located approximately 230m from the application site. In terms of the potential impacts on these designated sites, the Ecological Appraisal considers that direct impacts on these

features from the development would be unlikely.

Insofar as the site itself is concerned, the Ecological Appraisal notes the local nature conservation value of the existing trees and hedgerows on the site, and accepts that some of these would need to be lost to the development. However, the Appraisal suggests that the proposed scheme would provide for significant areas of green space within the development, offering an opportunity to create a substantial area of meadow (species-rich neutral grassland). This, it suggests, would greatly enhance the nature conservation value of the site, provide educational and amenity resources for the local community and contribute to local and county biodiversity targets.

In terms of the potential impacts on protected species, the Ecological Appraisal confirms that additional assessment work prior to any works to trees would be appropriate in respect of bats (given the trees' roosting potential), together with provision of provision of bat boxes, and that no impacts are anticipated in respect of badgers. Insofar as breeding birds are concerned, the Appraisal suggests that any impacts on loss of habitat would be off-set by the additional habitat provision proposed. No impact on great crested newts is anticipated, with none being identified within the vicinity of the site.

On the basis of the suggested habitat creation measures, the County Ecologist raises no objections to the development subject to conditions, and the development is considered acceptable in ecological impact terms.

Heritage Issues

There are no listed buildings or Conservation Areas within the vicinity of the site.

Insofar as non-designated heritage assets are concerned, the application is supported by an Archaeological Desk Based Assessment. This notes that archaeological remains have been recorded within the site comprising a prehistoric flint scatter and a medieval pottery and slag scatter may suggest buried remains. To the west of the site is a cropmark of a rectangular enclosure which, the Assessment suggests, is likely to be of Iron Age or Roman origin. It also notes the identification of Mesolithic and Neolithic flint in the vicinity, as well as medieval and post-medieval material. The Assessment suggests that the area may have been agricultural land since at least the medieval period and, whilst there has been some modern plough damage since, the preservation of any underlying archaeological remains that may be present is considered to be likely to be moderate to good. It concludes that, given that archaeological remains are known from the assessment area, there is moderate potential for archaeological remains from the Neolithic-Bronze Age and medieval and post-medieval periods to be present within the site.

No comments have been received from the County Archaeologist in respect of the application. However, on the basis of the findings of the Archaeological Desk Based Assessment, it would appear that there would be no archaeological impediment to development, although securing mitigation in respect of accommodating the archaeological potential of the site would seem likely to be appropriate.

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 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

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

Affordable Housing

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

Insofar as unit size and tenure types are concerned, the District Council's Strategic Housing team notes that the Council's Affordable Housing SPD indicates that a tenure mix of 79% rented and 21% intermediate housing would be required. However, should it aid viability, the Strategic Housing team advises that it would be content with a tenure mix of 70% affordable rented and 30% intermediate / low cost home ownership. Such matters would, however, be able to be resolved via a Section 106 agreement were planning permission granted. As such, the proposals are considered acceptable in terms of the proposed affordable housing contributions. In terms of the proposed development's contribution towards sustainable development, therefore, the development would score well insofar as this aspect of the social dimension is concerned.

Children's Play and Public Open Space

The illustrative submissions show 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 approximately 300 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, say, 216 dwellings, an area for children's play of 4,320 square metres would normally be required. Whilst this would represent a significant 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 45% 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 L21 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. The submitted illustrative layout indicates provision of a pitch of approximate length 50m within the open space adjacent to the Hall Lane access. It is currently unclear as to whether the pitch shown would constitute the "kickabout" area or is, in fact, the applicant's proposals in respect of the formal recreation open space required under Policy L22, and the applicant's confirmation on its open space proposals are awaited. Whilst Whitwick Parish Council objects to the development in principle, it is noted that no objection in terms of the proposed open space contribution is raised; the Parish Council confirms that it would wish to consider the adequacy of the open space contribution at the reserved matters stage. Whilst the

applicant's clarification is awaited, it is noted that there does not appear to be any evidence to indicate that the proposed development would result in an overall deficit in public open space, and particularly when having regard to the overall contribution to green infrastructure proposed. Should that indeed be the case, then the proposals would be considered to be acceptable in this regard.

National Forest planting

As set out under Landscape and Visual Impact above, the applicant's 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 Broom Leys School. The School has a net capacity of 595 and 591 pupils are projected on roll should this development proceed; a surplus of 4 places after taking into account the 58 pupils generated by this development. When taking into account other Section 106 agreements and capacity at the five other primary schools within a two mile walking distance of the site (New Swannington Primary School, Warren Hills Community Primary School, Whitwick St John The Baptist Church of England Primary School, Holy Cross Catholic Primary School and St Clare's Catholic Primary School), there is an overall surplus of 92 places. No education contribution is requested in respect of this sector, therefore.

High School Requirements:

The site falls within the catchment area of Castle Rock High School. The School has a net capacity of 600 and 557 pupils are projected on roll should this development proceed; a surplus of 25 places. There are currently no pupil places at this school being funded by Section 106 agreements from other developments in the area to be discounted. There is one other high school within a three mile walking distance of the development (Newbridge High School) which (after 6 Section 106 funded places are discounted) has a deficit of 26 pupil places, and an education contribution (£17,876.17) in respect of the additional high school place is therefore requested for this sector.

Upper School Requirements:

The site falls within the catchment area of King Edward VII Science and Sports College. The College has a net capacity of 1,193 and 1,095 pupils are projected on roll should this development proceed; a surplus of 98 places. There are currently no pupil places at this school currently being funded by Section 106 agreements from other developments in the area, and no education contribution is requested in respect of this sector, therefore.

At the time of preparing this report, the applicants had not confirmed whether they would be agreeable to making the education contributions sought. As matters stand, therefore, the scheme would not provide for appropriate education infrastructure to accommodate the proposed development.

Civic Amenity

A contribution of £15,691 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 applicant had not confirmed whether it would be agreeable to making the contribution sought. As matters stand, therefore, the scheme would not provide for

appropriate civic amenity infrastructure to accommodate the proposed development.

Library Services

Leicestershire County Council advises that an additional 346 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 833 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £13,040 is therefore sought by the County Council; at the time of preparing this report, the applicant had not confirmed whether it would be agreeable to making the contribution sought. As matters stand, therefore, the scheme would not provide for appropriate library facilities to accommodate the proposed development.

In terms of the non-provision of the contributions sought by Leicestershire County Council to ensure appropriate mitigation for the County Council services identified, it is noted that Paragraph 7 of the NPPF provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure and a social role, including creating a high quality built environment with accessible local services reflecting the community's needs and supporting its health, social and cultural well-being. Failure to ensure that the proposed development would be supported by appropriate levels of services would, it is considered, count against the scheme in terms of these dimensions of sustainable development. Should the applicant subsequently confirm that the contributions required by Leicestershire County Council would be made, these concerns would be considered to be addressed.

Contributions Sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £77,963 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£8,818
Vehicles	£5,491
Additional radio call capacity	£551
Police National Database	£281
Additional call handling	£503
ANPR	£2,713
Mobile CCTV	£500
Additional premises	£58,674
Hub equipment	£432

With regard to the acceptability of police contributions, the issue is not one of principle. Furthermore, officers and representatives of Leicestershire Police have, in recent months, engaged in dialogue with a view to addressing ongoing officer concerns regarding CIL compliance of the requests. This has resulted in provision of additional / updated evidencing of contribution requests which, when considered in the context of the views taken by the majority of (but not all) Inspectors in recent appeal decisions within Leicestershire, leads officers to conclude that, on balance, the above requests would meet the tests in CIL Regulation 122 and NPPF paragraph 204. When the previous appeal was determined on the wider Stephenson Green site, the Inspector and the Secretary of State were not persuaded that the policing contributions sought at that time were adequately justified. However, it is accepted that the additional evidencing provided by Leicestershire Police since that time would appear to have addressed those concerns.

The applicant has indicated that it would not be willing to make the contribution requested. As matters stand, therefore, approval of the scheme would not secure appropriate contributions towards mitigating the impacts of the development on policing services.

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development and, as noted above, provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure and a social role, including creating a high quality built environment with accessible local services reflecting the community's needs and supporting its health, social and cultural well-being. In addition, Paragraph 58 provides, amongst others, that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; similar principles are contained within Paragraph 69.

Whilst it is accepted that, at the reserved matters stage, there would appear to be no reason why the developer could not provide for an appropriate form of development incorporating appropriate measures in respect of (amongst others) Building for Life 12 criteria 1 (Connections) and 11 (Public and Private Spaces) (which have regard to the need for safe, well overlooked development), Leicestershire Police expresses concern that, in the absence of appropriate contributions, the force would have insufficient capacity to accommodate the additional policing requirements of the development. Furthermore, Leicestershire Police considers that, in the absence of such contributions, the development would not constitute sustainable development. It is accepted that, having regard to the findings of a number of Inspectors in respect of recent appeals within Leicestershire, the absence of suitable mitigation for policing would weigh against the proposals' sustainability credentials and, in particular, in respect of the economic and social roles of sustainable development. As such, and having regard to the adverse environmental impacts already identified, the proposals would not be considered to represent sustainable development in this regard.

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, whilst the site is located adjacent to the existing settlement, and whilst it would appear to have a reasonable level of accessibility to local services, it lies within a Green Wedge as defined in the adopted North West Leicestershire Local Plan. It is accepted that (as per the position at the time the previous (wider) Stephenson Green appeal was determined), the District Council is currently unable 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, and whilst, in the absence of a five year supply, policies for the supply of housing must be accepted as being out of date in the context of the NPPF, when taking into account the site's location within a Green Wedge (and the presumption contained within Local Plan Policy E20 against development which would adversely affect or diminish the present open and undeveloped character of this area), the view is taken that the proposed development would not, overall, constitute sustainable development. The scheme is also considered to be unacceptable in terms of the environmental dimension of sustainable development insofar as the potential impact on the Coalville AQMA is concerned in that appropriate technical information to demonstrate the air quality effects on the AQMA has not been provided. Furthermore, the application as submitted does not make appropriate contributions to infrastructure required to accommodate its additional impacts, further militating against it as a sustainable form of development and, in particular, in terms of the economic and social dimensions.

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. The site falls within a Green Wedge wherein Policy E20 of the adopted North West Leicestershire Local Plan presumes against development which would, amongst others, adversely affect or diminish its present open and undeveloped character. By virtue of the site's development for housing, the present open and undeveloped character of that part of the Green Wedge separating Coalville from Whitwick would inevitably be diminished, resulting in further coalescence between those settlements and not constituting sustainable development, contrary to the policies and intentions of the NPPF and Policy E20 of the adopted Local Plan.

- 2 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. On the basis of the submitted Transport Assessment, the development would result in the increased use of the Broom Leys Crossroads, located within 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 not supported by evidence to demonstrate the impacts of the proposals on air quality within the AQMA, in the absence of which the Local Planning Authority is unable to be satisfied that unacceptable adverse impacts on air quality within the AQMA would not result, potentially not constituting sustainable development, and contrary to the policies and intentions of the NPPF.

- 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 and social dimensions) and also provides that the planning system needs to perform an economic role, including in respect of provision of infrastructure and a social role, including creating a high quality built environment with accessible local services reflecting the community's needs and supporting its health, social and cultural well-being. The application 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), not constituting sustainable development, and contrary to the policies and intentions of the NPPF.

Notes to applicant

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