

**Residential development of 78 dwellings with associated road and service infrastructure, drainage ponds and features, landscaping and open space**

**Report Item No  
A1**

**Land To The North Wainwright Road Hugglescote  
Leicestershire**

**Application Reference  
13/00802/FULM**

**Applicant:  
Davidsons Group And Mr C F And Mrs P Brown**

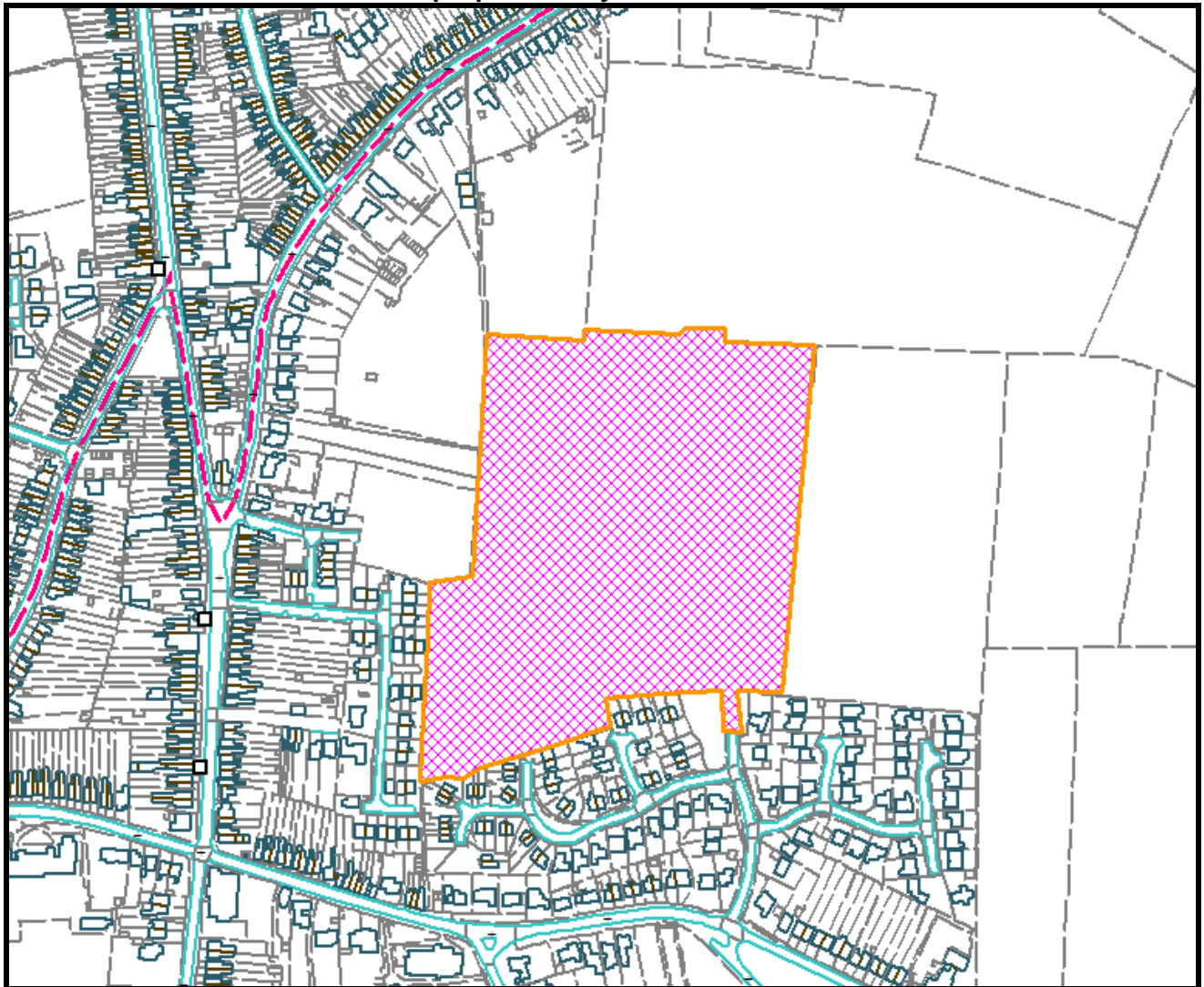
**Date Registered  
3 October 2013**

**Case Officer:  
James Knightley**

**Target Decision Date  
2 January 2014**

**Recommendation:  
PERMIT Subject to a Section 106 Agreement**

**Site Location - Plan for indicative purposes only**



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Proposal**

This application seeks full planning permission for residential development of 78 dwellings and associated works.

### **Consultations**

Members will see from the main report below that objections have been received in respect of the proposals (including from Hugglescote and Donington le Heath Parish Council).

### **Planning Policy**

The application site is part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g). 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 site is allocated for residential development, and that the principle of the development remains acceptable in land use terms. Also relevant is the need to demonstrate and maintain a five year supply of housing land within the District. The proposals would be considered to constitute sustainable development, and release of the site for residential development would be appropriate in principle. The proposed development would, it is considered, be able to be undertaken in a manner acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities, albeit with a reduced contribution to affordable housing required so as to ensure the development remains viable whilst making appropriate contributions to highways and transportation infrastructure.

**RECOMMENDATION- PERMIT, subject to Section 106 Obligations, subject to no contrary representations being received by 11 May 2016, and subject to conditions:**

**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 the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

This is a full planning application for residential development of a site of 5.5 hectares in agricultural use for 78 dwellings (having been increased from 75 as originally submitted) on land to the north of Wainwright Road, Hugglescote. The site is adjacent to another site the subject of a further application from the same developers proposing 197 dwellings (ref. 15/00641/FULM), also reported on this agenda. These sites also form part of the wider South East Coalville proposals the subject of outline planning application ref. 13/00956/OUTM; that application was resolved to be permitted at the Planning Committee of 2 December 2014, and is pending completion of a section 106 agreement.

The proposed development would take the form of an extension to the existing Wainwright Road estate, and would provide for connections to the adjacent site to the north and east.

The proposals include for the following mix of house types, to be undertaken by two developers:  
19 no. 3 bed dwellings  
59 no. 4 bed dwellings

All 78 units would be market housing; affordable housing is proposed to be provided on the adjacent site (i.e. that subject to application ref. 15/00641/FULM).

In terms of site layout, the principal road accessing the site from Wainwright Road would run north and intersect in the central part of the site with a proposed east-west road which would then provide vehicular connections (via the site subject to application ref. 15/00641/FULM) to Forest Road and other land to the north of Grange Road also forming part of the wider South East Coalville proposals. The proposed scheme includes areas of open space including an equipped children's play area to the north eastern part of the site, and informal open space (including National Forest planting and storm water storage facilities) to the south west.

### 2. Publicity

97 Neighbours have been notified (Date of last notification 29 December 2015)

Site Notice posted 5 August 2015  
Press Notice published 29 July 2015

### 3. Consultations

Hugglescote & Donington Le Heath consulted  
Head of Environmental Protection consulted 22 October 2013  
County Highway Authority consulted 24 December 2015  
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 5 March 2014  
Police Architectural Liaison Officer consulted 5 March 2014  
LCC/Footpaths consulted 5 March 2014  
LCC Development Contributions consulted 5 March 2014  
NWLDC Urban Designer consulted 5 March 2014  
National Forest Company consulted 5 March 2014  
Hugglescote And Donington Le Heath Parish Council consulted 9 October 2013  
Environment Agency consulted 10 October 2013  
Severn Trent Water Limited consulted 10 October 2013  
NWLDC Tree Officer consulted 10 October 2013  
County Archaeologist consulted 10 October 2013

LCC ecology consulted 10 October 2013  
Development Plans consulted 10 October 2013  
Head Of Leisure And Culture consulted 10 October 2013  
Manager Of Housing North West Leicestershire District Council consulted 10 October 2013  
Highways Agency- Article 15 development consulted 10 October 2013  
National Forest Company consulted 10 October 2013  
DEFRA consulted 10 October 2013  
FRCA (MAFF)- loss of agricultural land consulted 10 October 2013  
LCC Fire and Rescue consulted 10 October 2013  
Network Rail consulted 10 October 2013  
Head Of Street Management North West Leicestershire District consulted 10 October 2013  
LCC Flood Management consulted 14 January 2016

#### 4. Summary of Representations Received

**Environment Agency** has no comments and recommends seeking the advice of Leicestershire County Council as Lead Local Flood Authority

**Highways England (formerly the Highways Agency)** has no objections

**Hugglescote and Donington le Heath Parish Council** objects on the following grounds:

- Insufficient application documents / information
- Development would be a major contributor to the unnecessary redevelopment of the Hugglescote Crossroads including the subsequent loss of the Community Centre - a contribution of £1,000 per dwelling is requested to contribute towards the purchase of land and the building of a new Parish owned community facility
- A sum of £1,400 per dwelling towards recreational space is requested
- Proposed children's play area unsuitable position (too far from proposed dwellings in the south / south west of the site)
- Insufficient water supply for fire fighting or future residential development
- Foul water flooding
- Unsafe access (almost 150 dwellings off a single point of access)
- Insufficient primary school capacity
- Insufficient affordable housing
- Affordable housing needs to be distributed throughout the site
- Separate pedestrian and cycle routes required
- More direct vehicular routes to adjacent land required
- Proposed garages not compliant with Leicestershire County Council's 6Cs guidance
- Cross sections required
- Inaccuracies in Design and Access Statement
- Applicants' facilities plan not representative of distances
- Insufficient National Forest planting
- No coherent house type design by the site's developers
- Standard house types used not reflecting local character
- Two and half storey units randomly distributed rather than used to define gateways
- 1 in 1,000 year flood maps requested
- Parish Council is requesting an independent traffic survey
- Design and Access Statement places great store on the Community Centre which would be demolished if the development was permitted and works to the Hugglescote Crossroads undertaken

**Leicestershire County Council Archaeologist** has no objections subject to conditions

**Leicestershire County Council Ecologist** has no objections subject to conditions

**Leicestershire County Council Highway Transportation & Waste Management Authority** requests a developer contribution of £5,100 in order to mitigate the impact on civic amenity waste facilities in the local area.

**Leicestershire County Council Landscape Officer** has no requirements in respect of developer contributions

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

**Leicestershire County Council Library Services Development Manager** requests a developer contribution of £2,350 in respect of Coalville Library

**Leicestershire County Council Local Education Authority** requests developer contributions of £317,531.55 in respect of additional provision in the primary and high school sectors

**Leicestershire County Council Local Highway Authority** final comments awaited

**Leicestershire County Council Rights of Way Officer** has no objections subject to conditions

**Leicestershire Police** objects unless a developer contribution of £29,348 in respect of policing is provided

**National Forest Company** has no objections in principle but considers that trees should be provided within the highway verge

**Network Rail** has no objections subject to the development making appropriate contributions to wider highways infrastructure as part of the wider South East Coalville development.

**NHS England (Leicestershire and Lincolnshire Area)** requests a healthcare contribution of £12,659.71

**North West Leicestershire District Council Environmental Health** has no objections

**North West Leicestershire District Council Cultural Services Officer** comments that there may not need to be a requirement to divert existing rights of way passing through the site

**Severn Trent Water** has no objections subject to conditions

### **Third Party Representations**

Two representations have been received, objecting on the following grounds:

- Overdevelopment / density too high
- Effect on the character of the neighbourhood
- Independent transport assessment should be required
- Increased traffic / congestion
- Adverse impact on highway safety
- Queries whether the proposed development is affected by the District Council's Green

- Infrastructure policy
- Area cursed with applications for new housing

## 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 64 (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 112 (Conserving and enhancing the natural environment)
- Paragraph 118 (Conserving and enhancing the natural environment)
- Paragraph 135 (Conserving and enhancing the historic environment)
- Paragraph 173 (Using a proportionate evidence base)
- Paragraph 203 (Planning conditions and obligations)
- Paragraph 204 (Planning conditions and obligations)

### Adopted North West Leicestershire Local Plan (2002)

The application site is part of a larger area of land north of Grange Road allocated for housing development under Policy H4 of the adopted Local Plan (Proposal H4g). A more detailed analysis of Proposal H4g is set out in section 6 below.

The following adopted Local Plan policies are considered relevant:

- Policy S2 - Limits to Development
- Policy H4 - Housing Allocations
- Policy H4/1 - Housing Land Release
- Policy H6 - Housing Density

Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
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 F1 - National Forest General Policy  
Policy F2 - National Forest Tree Planting  
Policy F3 - National Forest Landscape and Planting  
Policy T3 - Highway Standards  
Policy T8 - Parking  
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.

### **South East Coalville Development Brief**

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

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

### **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 is located within Limits to Development as defined in the draft Local Plan and is also identified as part of a wider Housing Provision Resolution under Policy H2 (H2g).

The following draft Local Plan policies are considered relevant:

Policy S1 - Presumption in favour of sustainable development

Policy S4 - Countryside

Policy S5 - Design of new development

Policy H2 - Housing provision: resolutions

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 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)).

As set out under Relevant Planning Policy above, the site is allocated for residential development in the adopted North West Leicestershire Local Plan. Policy H4 provides that "The following sites, identified on the Proposals Map, are allocated for housing, subject to the specific requirements subsequently identified in respect of each site:

Transport Choice Corridor

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

In detail, Proposal H4g provides that:

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

- (i) *The part of the A511 Bardon Roundabout to Coalville County Road Scheme between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout, as shown on the Proposals Map;*
- (ii) *Vehicular and pedestrian access to the site from that road;*
- (iii) *A railway station, together with all requisite facilities, car parking and bus access, on land adjoining the north western crossing of the Leicester to Burton railway by the road referred to in requirement (i) above;*
- (iv) *A site for a local shopping centre and local community facilities, on land adjoining or adjacent to the railway station referred to in requirement (iii) above;*
- (v) *A site for a new primary school;*
- (vi) *An appropriately located, block planted and landscaped buffer zone of sufficient depth and density to protect nearby dwellings from noise and disturbance emanating from the railway sidings to the east of the Leicester to Burton railway;*
- (vii) *A substantial landscaped belt along the Grange Road frontage of the site;*
- (viii) *Appropriate off-site foul and surface water drainage facilities; and*
- (ix) *Appropriate traffic calming measures on Dennis Street, Hugglescote.*

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

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

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

Further information is contained within the explanatory paragraphs accompanying the policy. These include provision that the development of the allocated site ought not to be contemplated before the previously proposed Bardon Relief Road was constructed, in view of the then unsatisfactory highway and traffic conditions on the existing A511 Bardon Road between the Birch Tree Roundabout and Stephenson Way.

In terms of the proposals' performance vis-à-vis the requirements of Proposal H4g listed above, the following conclusions are reached:

*Comprehensive and phased development*

It is noted that this application is for only part of the wider allocation. Outline planning permission already exists for up to 800 dwellings and associated non-residential development on that part of the allocation to the east of the former railway line (ref. 12/00376/OUTM), and a further application on land immediately adjacent to this site is also included on this agenda (i.e. 15/00641/FULM).

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

This application does not include provision for the Bardon Relief Road; the issues in respect of the ongoing need for the Bardon Relief Road and the alternative approach to providing road linkages between the Birch Tree Roundabout and the Bardon Road / Stephenson Way, Coalville Roundabout were addressed under application 12/00376/OUTM, although it is also noted that the route of the relief road indicated on the Local Plan Proposals Map (Policy T2a(i)) does not affect the part of allocation H4g the subject of this application.

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

Given the part of allocation H4g to which this application relates, and the conclusions reached in respect of application 12/00376/OUTM, this does not need to be considered further save to note that the layout as proposed would allow for connections to adjacent land within the allocation area. It is also noted that Proposal H4g does not specifically preclude access via routes other than the Bardon Relief Road.

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

Given the part of allocation H4g to which this application relates (which is not in the vicinity of the Leicester to Burton railway), this does not need to be considered further.

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

This was provided for in respect of application 12/00376/OUTM.

*Provision of a site for a new primary school*

This was provided for in respect of application 12/00376/OUTM.

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

Given the part of allocation H4g to which this application relates (which is not in the vicinity of the Leicester to Burton railway), this does not need to be considered further.

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

Given the part of allocation H4g to which this application relates (which does not include frontage to Grange Road), this does not need to be considered further.

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

The scheme is considered to be acceptable in this regard, as set out in more detail below.

*Provision of appropriate traffic calming measures on Dennis Street, Hugglescote*

None is proposed as part of the application. The Transport Statement submitted with the wider South East Coalville application (13/00956/OUTM) suggested that, whilst there would be an increase in vehicles using Grange Road between the Wainwright Road junction and the Hugglescote Crossroads, and whilst a few vehicles may route along Dennis Street as a result of this, the majority would nevertheless continue to route through the crossroads, as per existing routing by the majority of the Wainwright Road estate's residents as observed during the traffic survey. Given that the current proposals would, in effect, simply form part of that wider development, there would appear to be no reason to now come to a different view on the matter.

*Compliance with Other H4g Requirements*

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

In terms of the requirement that all development should take place in locations which ensure that the development proceeds both in a comprehensive and phased manner, it is noted that the application site forms part of the western portion of the H4g allocation and, as such, development of this site at an early stage would serve to comply with this requirement.

Notwithstanding the site's allocation for residential development within the adopted Local Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

*Housing Land Supply*

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 the weight afforded to them when determining planning applications should be reduced accordingly. 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.

Whilst, given the current inability to demonstrate a five year supply, Policy H4g as set out above would, in itself, also be out of date, given the overall intention of the NPPF to boost the supply of housing, the presumption in favour of residential development on the site would, it is considered, remain, and the policy's general compliance with the NPPF in other respects would, it is considered, indicate that significant weight could still be applied to it.

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, 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 Hugglescote and the range of services available therein, it performs relatively well in this regard. When considered in the context of the adjacent application, the two sites together would have access to both Grange Road and Forest Road, close to existing bus routes connecting Central Road and Station Road with the town centre and other settlements (including Leicester). Furthermore, as part of the wider South East Coalville scheme, provision of bus services through the site would be provided.

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. It also accepted that, as already outlined, Policy H4/1 is not up-to-date in the context of the NPPF.

#### *Other Matters*

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to housing land supply and the inclusion of appropriate contributions to local services as detailed below, would ensure that the scheme would sit well in terms of the economic and social dimensions (although attention is drawn to the issues in respect of affordable housing contributions as discussed in more detail under Developer Contributions below). Insofar as the environmental role is concerned, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up area and associated services, would perform well in terms of need to travel and the movement towards a low carbon economy.

### **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**

The scheme proposes vehicular access via an extension of the existing Wainwright Road cul-de-sac (with other non-vehicular connections available via existing rights of way); were the scheme developed in association with the development proposed under application 15/00641/FULM, connections would then be available through that development to Forest Road and to other land to the east within the wider South East Coalville scheme.

At the time of preparing this report, the final comments of the County Highway Authority on the latest amended layout were awaited. However, in view of the scheme's compliance with the development proposed generally under application 13/00956/OUTM (albeit further access information will be required to be agreed under condition attached to any permission issued in respect of that application), it is understood that the County Highway Authority is unlikely to raise any objections in principle to the development, and any comments received are likely to focus on matters relating to the detailed design of the proposed estate roads. Any comments received will be reported on the Update Sheet.

As per those agreed to be secured as part of the wider South East Coalville proposals, it is anticipated that the County Highway Authority would be likely to require a range of contributions etc to be secured under a Section 106 obligation or similar (and likely to include matters relating to construction traffic routeing, travel packs, bus passes, Travel Plan co-ordinators, Travel Plan / transportation monitoring and a contribution towards improvements to the wider transportation network in the Coalville area (i.e. in accordance with the District Council's contribution strategy). As part of the wider South East Coalville scheme (2,700 dwellings) proposed under application ref. 13/00956/OUTM an overall transportation contribution of £12,960,000 was agreed (likely to be delivered under an associated Section 278 agreement); it is considered appropriate that the current application makes a similar contribution commensurate to the number of dwellings proposed.

### *Public Rights of Way*

The routes of public rights of way N85 and N86 pass through the western (N85) and south eastern (N86) parts of the site; on the basis of the submitted plans, it would appear that minor alterations to the route of N85 would be required. Whilst the County Council's Rights of Way Officer expresses some concerns regarding the relationship between an unchanged section of the route of N85 and the proposed development (and, in particular the siting of an access road adjacent to it), no objections are raised per se. Insofar as the amenity impacts of the proposed development (i.e. the impacts on the amenity value of the rights of way as leisure / recreational routes given that they would no longer pass through a section of undeveloped countryside) are concerned, it is accepted that some adverse impacts on their value in this regard would result. However, having regard to the limited extent of the section subject to this change, and given the proposed (and retained) routeing of much of the affected sections adjacent to landscaped areas, it is not considered that these impacts would be unacceptably harmful, nor sufficient to render the development unsustainable in NPPF terms. Subject to appropriate surfacing, right of way N85 would also help ensure the availability of good pedestrian accessibility to existing facilities within Hugglescote.

The application site in respect of the wider South East Coalville application (ref. 13/00956/OUTM) included a strip of land connecting the site the subject of this application with Forest Road, indicating its potential to form a pedestrian, cycle and bus route between Forest Road and the site. However, it is understood that the County Highway Authority accepts that, should the link also proposed to Forest Road (i.e. in the location of No. 104 Forest Road) be formed, a further link in this location may not be essential. Whilst that would need to be resolved in due course in respect of the wider South East Coalville scheme, however, it is nevertheless also accepted that, in the context of the current application for 78 dwellings, a link connecting Forest Road to serve this particular development in isolation would not be necessary given the scale of development (and, when considered in conjunction with application 15/00641/FULM, would in any event be accessible via the route in the location of No. 104 Forest Road). It is also accepted that the form of development proposed under this application would not prejudice the potential delivery of the link to the west.

Subject to the above, therefore (and including the applicants making an appropriate contribution towards transportation infrastructure), and subject to the scheme being considered appropriate by the County Highway Authority, the proposed development is considered acceptable in terms of Means of Access and Transportation issues.

### **Landscape and Visual Impact**

The submitted Design and Access Statement assesses the site's landscape context, and the application is also accompanied by an Arboricultural Assessment. The Design and Access Statement provides that the site has a number of important landscape features that would influence the overall proposals, including a number of hedgerows that run along the boundary and through the centre of the site. The Design and Access Statement suggests that these existing features would help to protect the amenity of existing residents as well as help to mitigate the impact of development within the surrounding context of the site. In terms of the wider visual impact, it is noted that limited mitigation (landscaping) is proposed to the north, east and west (although there would be significant areas of open space and additional planting to the areas adjoining existing residential development to the south). However, this lack of screening to the north, east and west should be considered in the context of the site's status as part of a larger allocated housing site, and the proposed layout at these boundaries of the application site reflects its intended future connections to other similar development (and including that proposed under the adjacent application 15/00641/FULM). Whilst there can be no guarantee at this time that those adjacent parcels of land would come forward in the future, this in itself is not considered to represent a reason to refuse the current application as the limited screening proposed would not be significantly different from the current screening to the existing urban edge and, hence, the overall visual impact from distant views would be unlikely to be materially more harmful than currently.

In terms of retained / proposed planting, the site is in the National Forest, and the scheme's performance vis-à-vis the relevant National Forest standards is set out under the relevant section below. In terms of the extent of landscaping and other open space cover proposed in respect of the development, it is noted that the proposed scheme includes for retention of the majority of the existing trees and hedgerows which surround the existing fields forming the application site (i.e. where not possible to be retained due to access formation).

The Arboricultural Assessment categorises the trees on the site, and confirms that only one tree otherwise suitable for retention (a common ash of retention category B (moderate quality)) would be removed. The Assessment also sets out the proposed tree protection measures in

respect of retained trees. The development is considered to represent a reasonable balance between the need to retain the most important trees and hedgerows and the appropriate development of the site, and is considered acceptable in this regard.

Overall, in respect of issues relating to Landscape and Visual Impact, the view is taken that the proposals are acceptable.

### **Loss of Agricultural Land**

The site is currently in active agricultural use (including arable crops and grazing) and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that agricultural land will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification. Whilst the applicants have not provided a detailed assessment of the agricultural quality of the site, they note that the information provided on the Government's "MAGIC" website indicates it would be Grade 3b (and not, therefore, BMV). This tallies with the MAFF agricultural land classification provided at the time of the North West Leicestershire Local Plan inquiry which identified the majority of the current application site as Grade 3b; the remainder (located to the far south west of the application site) was at that time identified as non-agricultural (although the Environmental Statement submitted in respect of the wider South East Coalville site (i.e. application ref. 13/00956/OUTM) identifies the whole of this site (which forms part of the site subject to application ref. 13/00956/OUTM) as Grade 3b). In either case, however, the site would not appear to include BMV land and, on this basis, the release of the site would appear to sit well with the preference for releasing poorer quality land in preference to Best and Most Versatile agricultural land.

### **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, and the site is therefore considered suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). Whilst the site includes field drains which accommodate surface water from a nearby existing residential area, the FRA indicates that these flows are minor and pose a low risk to the proposed development.

In terms of other sources of flood risk, the FRA identifies that, whilst there may be potential for flooding impacts from groundwater by virtue of groundwater "rebound", the FRA suggests that, having regard to the geology of the area, the risk of this occurring is low. Insofar as surface water flooding is concerned, the FRA indicates that, whilst some areas of the southern part of the site are susceptible to surface water flooding during a 1 in 30 year event, it is noted that these areas would be in the general location of the proposed balancing ponds, and hence there would be unlikely to be any impact on the proposed dwellings. The FRA also considers that the development would not increase flood risk to the wider catchment, given the proposed management of surface water. For its part, the Lead Local Flood Authority (LLFA) considers that, based on the surface water management principles set out within the application (and including use of SUDS measures and discharge into an existing watercourse crossing the site),

the proposed development would be acceptable.

Insofar as foul sewage is concerned, the supporting information indicates that the development would connect into an existing sewer on Wainwright Road; no objections are raised by Severn Trent Water.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development.

### **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. As set out above, the site forms part of the wider South East Coalville development the subject of outline application ref. 13/00956/OUTM. The conditions resolved to be attached to that planning permission require the agreement of a Design Code for the site which would then constitute a set of design "rules" applying to all subsequent reserved matters applications on the wider site, thus assisting in ensuring a consistent and comprehensive approach to development across the whole site even if (as would be expected given its scale) it is delivered by a range of different developers. The current applications are full rather than reserved matters applications and, whilst District and County Council officers have been working with the developers on a draft Design Code for some time now, there is, at present, no approved Design Code (and, therefore, it cannot be shown that the current proposals would comply with such a Code). However, the proposals have been the subject of extensive discussions between officers and the developers (and have been amended to seek to reflect the improvements to design sought). In order to try to assist the developers in securing early delivery of the housing, officers consider that, whilst there is no approved Design Code at this time, it would represent a reasonable approach if the Local Planning Authority was to seek to agree an appropriate scheme as part of the determination of the current applications, and to then use those schemes as a basis for the wider South East Coalville Design Code. The principles behind the current applications are those compatible with a landscape-led form of development which broadly complies with the approach currently favoured by the wider site consortium; the street typology / hierarchy for this part of the site has also been devised in such a manner so as to allow for a similar approach to be employed elsewhere in the wider site.

Amended plans have recently been submitted and, at the time of preparing this report, the detailed response of the District Council's Urban Designer was awaited, and any further comments made will be reported on the Update Sheet. However, it is understood that the majority of concerns raised have either been addressed by the updated plans, and the remainder can otherwise be dealt with by way of appropriately worded conditions. Subject to the final advice of the District Council's Urban Designer, therefore, the development is considered acceptable in this regard.

### **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, it is noted that the site is not located in close proximity to



any existing incompatible land uses and, in principle, there appears no reason why the development would not be appropriate in this regard, and no objections are raised by the District Council's Environmental Protection team.

Insofar as the impacts on neighbouring occupiers arising from the proposed development are concerned, by virtue of the proposed layout and disposition of public open space / National Forest planting, none of the proposed dwellings would be in close proximity to existing residential property, with the closest existing and proposed dwellings being more than 30 metres from one another. In view of this, and notwithstanding the likely relative ground and floor levels, it is not considered that any materially adverse impact on residential amenity would result in this regard.

It is noted that the proposed development would result in the accessing of the new dwellings via Wainwright Road, and this would therefore lead to a material increase in the use of this road such that residents of existing dwellings on this road would be subject to additional vehicular movements passing their dwellings. However, having regard to the nature of the existing road, the number of dwellings in question, and the nature of the types of vehicles likely to be using the road on a day-to-day basis, it is not considered that an undue loss of amenity to occupiers of existing Wainwright Road dwellings could be demonstrated.

### **Ecology**

The application is supported by an Ecological Survey of the site. This provides that there are four statutorily designated sites within 2km of the site (being the Donington le Heath Country Park, Snibston Country Park, Snibston Grange Local Nature Reserve and Nature Alive Local Nature Reserve; no adverse impacts are anticipated in terms of these sites. Similarly, no non-statutory sites are expected to be adversely affected by the development.

Insofar as protected species are concerned, the Survey identifies the site as being suitable for potential habitat / foraging areas for bats, reptiles, badgers, great crested newts, nesting birds and water voles, and evidence of use of the site by bats and reptiles was found.

Leicestershire County Council's Ecologist has been consulted on the proposals, and raises no objections subject to conditions securing various mitigation measures.

The proposals are therefore considered to be acceptable in terms of their ecological impacts, subject to the imposition of suitably-worded conditions.

### **Heritage Issues**

The application site does not contain or affect the setting of any listed buildings, nor is it located within or close to a Conservation Area. As submitted, application 13/00802/FULM was supported by a Heritage Statement assessing the archaeological potential of the site. This concludes that the site does not contain any designated heritage assets for which there would be a presumption in favour of preservation in situ and against development and that the potential for archaeological remains to be present is low for the Roman and Anglo-Saxon periods, low to moderate for the Medieval and Post-medieval periods and moderate for the Prehistoric period. At the time that application 13/00802/FULM was originally submitted, Leicestershire County Council's Principal Planning Archaeologist advised that additional evaluation work be undertaken prior to determination of the application.

Subsequent to this advice, however, assessment of the sites the subject of applications

13/00802/FULM and 15/00641/FULM was undertaken as part of the archaeological investigation work carried out in association with the wider South East Coalville application (13/00956/OUTM), and in respect of which detailed discussions were held with the applicants' archaeologists and the County Council. Application 15/00641/FULM was submitted in the context of those subsequent discussions, and the supporting information with that application referred back to the dialogue associated with the scheme for the wider site.

In view of this position, it is considered appropriate to take a view consistent with that reached in respect of application 13/00956/OUTM. As and when the planning permission is issued in respect of that application, the archaeological mitigation relating to this part of the wider South East Coalville site would be secured by way of condition (Condition 7, which requires precise details of all mitigation measures set out in the Environmental Statement to be agreed and implemented). Applications 13/00802/FULM and 15/00641/FULM are not EIA development and, therefore, a similar condition could not be applied. However, it would be possible to attach a condition requiring details of any additional archaeological investigation and mitigation measures to be submitted and agreed which would, in effect, ensure a consistency of approach with the wider site.

In terms of other heritage issues, it is noted that there are no listed buildings or Conservation Areas within the immediate vicinity of the site, nor are there considered to be any non-designated heritage assets affected by the proposals.

## **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.

As noted above, the site is, in effect, part of the wider South East Coalville development the subject of planning application ref. 13/00956/OUTM. Having regard to that application's submission by a consortium of various developers, the section 106 agreement proposed to be entered into in respect of that planning permission is framed in a manner whereby financial obligations are (as far as practicable) payable on a plot by plot basis. As such, the applicants propose (where possible) to make contributions relating to the current application in a similar manner; this would allow contributions from the wider site to continue to be used in a more logical manner across the site (i.e. as opposed to separate, smaller, contributions being secured from discreet parts of the wider site, potentially not representing their most efficient use overall), and would also assist in ensuring that "double-counting" does not occur. Therefore, whilst the current position with regards to contribution requests is as set out below, it is recommended that officers be authorised to amend the actual contributions through the Section 106 agreement drafting process if necessary so as to ensure the most logical and efficient provision of

contributions.

There are a number of viability-related issues affecting the site insofar as it is part of the wider South East Coalville development resolved to be approved under planning application 13/00956/OUTM in respect of which viability information was submitted and reviewed independently on the Local Planning Authority's behalf. The various developer contributions set out in more detail below are, therefore, set out in the context of that viability work, and the resolved position of the Planning Committee regarding planning application 13/00956/OUTM in the light of that work.

#### *Affordable Housing*

Under the provisions of the District Council's adopted Affordable Housing SPD, an affordable housing contribution of minimum 20% is normally required. At the time that planning application 13/00956/OUTM was considered, in view of the findings of the viability assessment work, the Planning Committee resolved to agree an overall affordable housing contribution of 7.5% across the consortium site as a whole. Whilst the application site the subject of this particular application does not include any proposed affordable housing, a total of 21 affordable units are proposed to be provided on the site the subject of application 15/00641/FULM which, when considering applications 13/00802/FULM and 15/00641/FULM together, would equate to a contribution of 7.6% (i.e. 21 out of a total of 275 dwellings). As such, subject to the Section 106 agreement being framed in such a manner as to ensure that the proposed affordable housing the subject of application 15/00641/FULM is delivered in a timely manner in relation to the development of the market housing proposed under 13/00802/FULM, the scheme is considered acceptable in this regard, and would ensure a commensurate contribution to the wider South East Coalville development affordable housing requirements from this portion of the wider site. Subject to appropriate mechanisms being incorporated within the Section 106 agreement, the District Council's Strategic Housing Team has no objections.

#### *Transportation and Accessibility Contributions*

As set out under Means of Access, Highways and Transportation Issues above, the applicants propose to make a contribution to the wider highway network equivalent to that secured under the wider South East Coalville Section 106 agreement.

#### *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 Hugglescote Community Primary School. The school has a net capacity of 420 and 1,015 pupils are projected on the roll should this development proceed, a deficit of 595 pupil places. A total of 526 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 69 pupil places.

The County Council also refers to two other primary schools within a two mile walking distance of the development, namely Belvoirdale Community Primary School and Broom Leys School. Having regard capacity at these schools and other pupil places funded from Section 106 agreements for other developments in the area, the overall deficit within the two mile walking distance is further reduced to 15 pupil places. The 19 deficit places created by this development

can therefore be partly accommodated at nearby schools and a request for an education contribution in respect of 15 pupil places in the primary sector is made (£178,097.43).

The Local Education Authority further advises that, as the application site forms part of the wider South East Coalville site, the contribution from this development would be used to extend existing schools within the vicinity of the development or one of the new schools within the South East Coalville site. The County Council also comments that, in the event that these schools were not yet available for expansion at the time that pupils are coming from the development the subject of this application, a further contribution may be required to fund transitional measures at one of the existing schools (e.g. mobile accommodation or pupil transportation costs).

#### High School Requirements:

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 781 pupils are projected on roll should this development proceed, a deficit of 191 pupil places. A total of 163 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 28 pupil places. There are no other high schools within a three mile walking distance, and a request for an education contribution in respect of the high school sector is made (£139,434.13).

#### Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1,193 and 1,309 pupils are projected on roll should this development proceed, a deficit of 116 pupil places. However, taking into account capacity at the other upper school within a three mile walking distance (Stephenson Studio School), there is an overall surplus of 43 places within the Upper School sector, and no contribution in respect of this sector is therefore requested.

Overall, and in order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £2,903.76 per dwelling in respect of the primary school sector and £1,787.62 per dwelling in respect of the high school sector. There are other issues to be considered in respect of the primary sector in particular insofar as timing of provision of the new primary school(s) is concerned in association with other South East Coalville sites. However, subject to the agreement of the Local Education Authority in any subsequent negotiations entered into in respect of the Section 106 obligation and appropriate framing of the obligations, it is considered that this would be an appropriate approach in this case in principle.

#### *Library Services*

Leicestershire County Council advises that an additional 113 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 271 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £2,350 towards library services is therefore requested by the County Council. In order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £54.34 per dwelling. It is considered that this would be an appropriate approach in this case.

#### *Civic Amenity*

Leicestershire County Council advises that an additional 21 tonnes of waste per annum are

anticipated to be generated and disposed of at Coalville Civic Amenity Site as a result of the proposed development, requiring improvements at the site so as to provide the increased capacity. A contribution of £5,100 towards civic amenity services is therefore requested by the County Council. In order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, the applicants suggest making a contribution based on a sum of £65.38 per dwelling. It is considered that this would be an appropriate approach in this case.

*Children's Play, Public Open Space and National Forest planting*

The wider South East Coalville scheme proposed under application 13/00956/OUTM indicated significant areas of open space / green infrastructure throughout that site, and including a number of children's play "hubs". In addition, contributions towards formal recreational open space (including in respect of facilities at Newbridge High School and South Street Recreation Ground in Ellistown) are proposed to be made.

The submitted layout shows a significant extent 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. The play area is located in a position similar to one indicated on the development framework plan accompanying the wider South East Coalville application (one of 11 such play areas). In terms of the extent of the equipped parts of the play area, on the basis of the submitted details, this would be in the order of 2,600 square metres. 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 78 dwellings, an area for children's play of 1,560 square metres would normally be required. However, this play area would also be expected to serve a wider area and, when considered in the context of, for example, the sites the subject of both applications 13/00802/FULM and 15/00641/FULM, would not represent an over-provision vis-à-vis the standards. However, it is also noted that the *equipped* formal play area is part of a wider overall contribution towards green infrastructure across the two sites (i.e. 13/00802/FULM and 15/00641/FULM) of around 3.3 hectares (including woodland, SUDS features and other public green space), representing around 24%. On this basis, and having regard to the overall approach to children's play and public open space set out in respect of application 13/00956/OUTM, it is considered that the proposals would be appropriate in this regard, and would accord with the proposals submitted as part of the wider South East Coalville scheme. Furthermore, and as per the wider South East Coalville scheme, it is again proposed to make a contribution of £16,000 to Newbridge High School (intended to allow for works to improve drainage so as to allow existing playing fields to be brought back into beneficial use, and enabling their use by not only the school but also the wider community).

Insofar as National Forest planting is concerned, the National Forest Company accepted at the time the wider South East Coalville scheme was considered that an appropriate green infrastructure contribution overall (and exceeding its minimum 30% requirements) would be secured. In terms of the detailed schemes currently under consideration the National Forest Company accepts that, in terms of the quantum of National Forest planting required to comply with the relevant standards, the scheme would be appropriate. The National Forest Company expresses concern that the proposed street typologies (see Design above) would not include for tree planting within the highway verge to be adopted by Leicestershire County Council (as opposed to within land which would be either retained by home owners or under a management company arrangement). However, such an approach is becoming more frequently used by developers given the significant costs associated with having street trees adopted by the Local

Highway Authority. As such, whilst it is accepted that, ideally, trees would be included within the highway and thereafter maintained by the County Council, the practicalities of achieving this (and, in particular, on a site where viability is marginal) would, it is considered, indicate that a more flexible approach ought to be taken in order to maximise the design merits of the scheme whilst not increasing costs unreasonably. If deemed necessary, it is considered that appropriate measures could be secured within the Section 106 agreement in terms of the appropriate future management of such trees.

*Healthcare*

NHS England requests a developer contribution of £12,659.71 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on other surgeries rather than the nearby Hugglescote surgery) together with commensurate costs of mitigation. It is considered that this request would meet the relevant CIL and NPPF tests. In order to ensure a logical and commensurate contribution as per that secured under the wider South East Coalville scheme, however, the applicants suggest making a contribution based on a sum of £102.57 per dwelling. It is considered that this would be an appropriate approach in this case.

*Contributions sought by Leicestershire Police*

Leicestershire Police requests a developer contribution of £29,348 in respect of policing as set out in the consultation response above. The contribution sought comprises:

Start up equipment / training	£3,175
Vehicles	£1,983
Additional radio call capacity	£199
Police National Database	£101
Additional call handling	£182
ANPR	£2,055
Mobile CCTV	£375
Additional premises	£21,122
Hub equipment	£156

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.

At the time that application 13/00956/OUTM in respect of the wider South East Coalville development was considered, notwithstanding concerns expressed as to the justification for the requests made, the view was taken by the Planning Committee that, given the demonstrated viability limitations affecting the site's development (and the resulting need to prioritise such developer contributions that could be borne by the scheme), and having regard to the content of NPPF and the DCLG's Planning Practice Guidance, a policing contribution (amongst others) ought not to be required in that case. In coming to this view, the Authority had regard to the presumption in favour of sustainable development, and considered that the non-provision of the

policing contributions sought would not, in itself, render the development unsustainable. The view was also taken that any adverse impacts on the sustainability of the scheme would be more than off-set by those benefits to the social role of sustainable development arising from the affordable housing secured (albeit itself also a reduced contribution vis-à-vis the normal standards given viability constraints).

The Planning Committee report in respect of application 13/00956/OUTM also noted that, in principle, there was no reason why any subsequent reserved matters scheme could not provide for a well-designed scheme addressing successfully criteria 1 (Connections) and 11 (Public and Private Spaces) of Building for Life 12, and that it would be open to the Police to provide crime prevention / police architectural liaison advice at the reserved matters stage if it considered that the layout / design proposed at that time was not appropriate in terms of minimising the opportunities for crime. Whilst the current applications are full applications rather than applications for reserved matters, the same principle is considered to apply, and no concerns have been raised by the Police with respect to layout or other design issues.

It is therefore concluded that, as per the position taken by the Local Planning Authority in respect of the earlier outline application for the wider site, the policing contributions sought ought not to be required in this instance.

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

### **Conclusions**

As set out in the main report above, whilst the site constitutes greenfield land, it is allocated for residential development in the adopted North West Leicestershire Local Plan, and, furthermore, simply forms a section of the wider South East Coalville site the subject of application 13/00956/OUTM. It is also considered to be well related to the existing settlement and the range of services available therein and its release for housing is considered suitable in principle. Whilst (as per the wider South East Coalville site of which this site forms part) the proposed development would, for viability reasons, be unable to support the full range of infrastructure requirements as sought by the relevant consultees, and proposes a reduced contribution to affordable housing across the two sites (i.e. applications 13/00802/FULM and 15/00641/FULM), having regard to the NPPF's advice in respect of taking a flexible and proportionate approach to viability, and to the limited adverse affects that would occur as a result of the shortfalls in infrastructure provision, the view is taken that the proposals would, notwithstanding these issues, remain sustainable in NPPF terms. Approval is therefore recommended subject to appropriate Section 106 obligations and conditions.

**RECOMMENDATION- PERMIT, subject to Section 106 Obligations, subject to no contrary representations being received by 11 May 2016, and subject to the following conditions:**

- 1 The development shall be begun before the expiration of two years from the date of this permission.

*Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act*

1990 (as amended), and to accord with the requirements of the Local Planning Authority's policy relating to developer contributions.

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
- Site location plan (EMS.2465\_002 A) deposited with the Local Planning Authority on 3 October 2013
  - Site layout (13-67-10 Rev F) deposited with the Local Planning Authority on 22 April 2016
  - Indicative landscape masterplan (EMS.2465\_03G) deposited with the Local Planning Authority on 27 April 2016
  - House types (elevations and floor plans) and garages as listed in the "Wainwright Road, Hugglescote Phase 1 - House Type Schedule" deposited with the Local Planning Authority on 22 April 2016 and attached to and forming part of this planning permission

*Reason - To determine the scope of this permission.*

- 3 No work shall commence in respect of the erection of any individual dwelling until such time as precise details of all materials to be used in the construction of the external surfaces of that dwelling (including samples where appropriate) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the agreed details.

*Reason - To enable the Local Planning Authority to retain control over the external appearance, in the interests of the amenities of the area, and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.*

- 4 None of the dwellings hereby permitted shall be occupied until such time as a landscaping scheme to accord generally with the principles shown on drawing no. EMS.2465\_03G has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

*Reason - To ensure satisfactory landscaping is provided within a reasonable period, in the interests of nature conservation, to ensure the development provides for a satisfactory form of design, in the interest of amenity, and to comply with Policies E2, E4 E7 and H7 of the North West Leicestershire Local Plan.*

- 5 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

*Reason - To ensure that the site landscaping is maintained for a suitable period, and to comply with Policies E2, E4 and E7 of the North West Leicestershire Local Plan.*

- 6 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking /



manoeuvring areas) within the development have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity, in the interests of highway safety, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.*

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as precise details of the proposed ground and floor levels within the proposed development in relation to neighbouring land / buildings have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity, to comply with Policies E3, E4 and H7 of the North West Leicestershire Local Plan, and to ensure that any proposals are agreed at an appropriate time having regard to the need for such measures to be secured prior to significant on-site works being undertaken.*

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as a scheme for the provision of vehicular, cycle and pedestrian links to and within the site (and including linkages to adjacent areas of land, a timetable for their provision and a strategy for the provision and ongoing maintenance of unfettered access for all persons at all times, where applicable), has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details timetable and thereafter be so maintained.

*Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity, and , to comply with Policies E4 and H7 of the North West Leicestershire Local Plan.*

- 9 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as a detailed scheme for the boundary treatment of the site (and including the siting and detailed design of all means of enclosure) has been submitted to and agreed in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the relevant dwelling's boundary treatment as denoted on the agreed scheme has been implemented in full. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition, or as a replacement of such in the same location, constructed in the same materials, and at a height not exceeding that which it replaces) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

*Reason - To preserve the amenities of the locality, in the interests of highway safety, to ensure that there is a clear and robust demarcation between public and private spaces, to ensure an appropriate form of design, in the interests of reducing the opportunities for crime and to comply with Policies T3, E3, E4, E8 and H7 of the North West Leicestershire Local Plan.*

- 10 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as a scheme for the drainage of foul and surface water from the site (and including for the implementation, maintenance and management of all surface water drainage measures) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include:
- (i) A timetable for its implementation; and
  - (ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

*Reason - To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water, to prevent flooding, to minimise the risk of pollution, and to ensure that any mitigation works are implemented at an appropriate time having regard to the need for such measures to be secured prior to significant on-site works being undertaken.*

- 11 No work shall commence on site until such time as precise details of proposed mitigation and / or management measures (and including a timetable for their implementation) as set out in sections 5.4.1 to 5.5 (inclusive) of the Ecological Surveys report (854765-(Rev01)) dated 11 September 2013 prepared by RSK have been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative measures are first agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in strict accordance with the agreed measures and timetable.

*Reason - In the interests of nature conservation, and to ensure that any mitigation works are implemented at an appropriate time having regard to the potential for harm to features of ecological interest during all stages of the construction process.*

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

*Reason - In the interests of nature conservation.*

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

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

- 14 No development shall commence on the site until such time as a construction vehicle management plan, including wheel cleansing facilities and construction vehicle parking facilities, and a timetable for their provision, has been submitted to and agreed in writing by the Local Planning Authority. Unless any alternative management plan has first been submitted to and agreed in writing by the Local Planning Authority, no development shall be undertaken at any time other than in accordance with the approved details and

timetable.

*Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area, to ensure that any mitigation works are implemented at an appropriate time having regard to the potential for harm to highway safety during all stages of the construction process and to comply with Policy T3 of the North West Leicestershire Local Plan.*

- 15 None of the dwellings hereby permitted shall be occupied until such time as a scheme of works to the Bardon Hill level crossing has been implemented in accordance details first submitted to and agreed in writing by the Local Planning Authority.

*Reason - In the interests of railway safety.*

- 16 No site works of any description shall take place on the site at any time unless the existing trees and hedgerows shown as retained on drawing no. 13-67-10 Rev F are securely fenced off in accordance with measures for their protection as detailed within the submitted FPCR Arboricultural Assessment dated September 2013. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

*Reason - To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area and to comply with Policy E7 of the North West Leicestershire Local Plan.*

- 17 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all doors to that dwelling (including porches and door surrounds, as well as doors to proposed garages) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

- 18 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all windows to that dwelling (including window styles, headers and cills) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

- 19 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of the treatment of verges, eaves and rainwater goods to that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

- 20 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of the positioning and treatment of utility boxes to that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

- 21 No street name plates shall be installed other than in accordance with precise details (including positioning) first submitted to and agreed in writing by the Local Planning Authority.

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

- 22 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any individual dwelling until such time as precise details of all bin and recycling store enclosures and collection points serving that dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, in the interests of highway safety, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.*

- 23 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling until such time as precise details of the provision of chimneys within the development (and including updated elevational details where applicable) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

- 24 No individual dwelling shall be occupied until such time as its associated car parking provision (including garage space(s) where applicable) has been provided in full in accordance with the details shown on the approved plans and, once provided, shall not be obstructed and shall thereafter be so maintained.

*Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area, and to comply with Policies T8 of the North West Leicestershire Local Plan.*

- 25 Notwithstanding the submitted details, no work shall commence on site until such time as a full schedule of all archaeological investigation, recording and mitigation works carried out and proposed to be undertaken within the site (including a programme for their implementation, and any measures in respect of the recording, analysis, publication

and dissemination by a competent person / organisation) have been submitted to and agreed in writing by the Local Planning Authority. No development shall be carried out at any time other than in accordance with the agreed details.

*Reason - To ensure satisfactory archaeological investigation and recording, and to ensure that any required investigation work is undertaken at an appropriate time within the development process.*

- 26 None of the dwellings hereby permitted shall be occupied until such time as precise details of a scheme of public art to the proposed public open space adjacent to Plots 29-32 (and including a timetable for its implementation) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

*Reason - To ensure the proposed public art is appropriate to its locality, and is provided at an appropriate time.*

- 27 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling to Plot nos. 1-2, 50-53 and 57-60 (inclusive) until such time as details of the shared drive serving the relevant plot have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, in the interests of highway safety, and to comply with Policies T3, E4 and H7 of the North West Leicestershire Local Plan.*

- 28 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence in respect of the erection of any dwelling to Plot nos. 7-9 (inclusive) until such time as amended details of the proposed off-street car parking serving Plots 8 and 9 (and including any associated amendments to the siting of Plot 7) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the agreed parking provisions thereafter remain available for such use in connection with the occupation of the relevant plot.

*Reason - To ensure an appropriate form of design, in the interests of the amenities of the area, in the interests of highway safety, and to comply with Policies T8, E4 and H7 of the North West Leicestershire Local Plan.*

### **Notes to applicant**

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant both at the pre-application stage and during the application determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

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

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

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

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

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

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

- 3 Your attention is drawn to the attached report of Severn Trent Water Limited.
- 4 Your attention is drawn to the attached report of Leicestershire County Council's Principal Ecologist.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in respect of highway matters.
- 6 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport in the County Council's capacity as Lead Local Flood Authority. The applicant is advised that the scheme of surface water drainage required to be agreed pursuant to Condition 10 above should be designed to accord with the surface water management principles deposited with the Local Planning Authority on 17 February 2016.
- 7 Your attention is drawn to the attached report of Leicestershire County Council's Rights of Way Officer.
- 8 Your attention is drawn to the attached report of the National Forest Company.
- 9 Your attention is drawn to the attached report of Network Rail.
- 10 This decision is in accordance with the resolution of the Planning Committee of 10 May 2016 and is subject to a Section 106 Obligation.
- 11 The applicant is advised that, for the purposes of complying with Condition 8 above, the scheme should include for, amongst others, appropriate linkages between pedestrian routes in the areas adjacent to Plot Nos. 50-53 and Plot Nos. 57 and 64-65.