



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**12 JANUARY 2023**

**REPORT OF THE CHIEF EXECUTIVE**

**COUNTY MATTER**

**PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2022/0946/07 (2022/RegMa/0069/LCC)
- PROPOSAL:** Construction of Link Road extending southwards from the A511 Bardon Road comprising a new approximately 450 metre section of highway, with provision of a shared foot/cycleway, construction of a fourth arm on existing Bardon Road/Stephenson Way roundabout junction, underbridge beneath the railway, diversion of existing public right of way (PRoW), demolition of four houses along the south side of the A511 and associated drainage works including a culvert through the railway embankment and balancing pond.
- LOCATION:** Land to the south of the A511 Bardon Road LE67 4BH
- APPLICANT:** Leicestershire County Council
- MAIN ISSUES:** Principle of development, traffic/highways matters, landscaping, ecology, local amenity and archaeology/built heritage
- RECOMMENDATION:** **APPROVE** subject to the conditions as set out in the appendix to the main report

**Circulation Under Local Issues Alert Procedure**

Mr. K. Merrie CC, Mr. C. Smith CC

**Officer to Contact**

Brian O' Donovan (Tel. 0116 305 1085).  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. The application site (as identified in the below Figure 1) is located to the south-east of Coalville and includes an area of approximately 8.53ha. The application site includes a linear row of residential properties along the south-western section of Bardon Road A511, at a roundabout junction between the A511 Bardon Road and Stephenson Way. Adjacent to the eastern boundary of the application site is the residential development along John Cooper Way and Cave Crescent. The southern part of the application site is predominantly open countryside which includes grassland, hedging and trees. The southern section of the application site includes a Network Rail railway line on a raised embankment, which cuts through the site in an east-west direction. There is a watercourse running in a roughly north-south direction through the application site and the topography is mainly flat and open with the exception of the railway embankment and tree and hedge field boundaries. The site is covered by the Risk of Flooding from Surface Water Maps, published by the Environment Agency as the 'Long Term Flood Risk Map2' and this map shows that part of the road is located in an area of low/medium risk of surface water (pluvial) flooding
2. There is a defined Public Right of Way footpath N86 (PROW) within the application site, starting along the southern side of the A511/Bardon Road roundabout junction and runs in a south-westerly direction through the site to Wainwright Road. Within the southern section of the application site there are two candidate Local Wildlife Sites (cLWS): Coalville Grassland and Scrub, and Coalville Wet Woodland. There is one tree subject to a Tree Protection Order and the site is located within the National Forest. The application site is not located within a Conservation Area, nor is there any listed buildings within the defined boundary. The closest two listed buildings are the Grade II\* listed Church of St John the Baptist (1361240), located approximately 890m south-west of the application site and the Grade II listed Christ Church (1074360), located approximately 860m north-west of the application site. The eastern boundary of the Coalville Conservation Area is located approximately 1km from the application site. There are no world heritage sites, scheduled monuments, registered parks and gardens or registered battlefields within the 1 km study area.
3. The application lies within an area allocated for housing development within the NWLDC Local Plan under policy H1h: Land North and South of Grange Road, Hugglescote. Policy allocation H1h comprises a predicted capacity of 3,500 dwellings.



**Figure 1 – Site Location Plan**

### **Background/Planning History**

4. The proposed development forms a part of the wider Leicestershire County Council's A511 Growth Scheme. This Scheme aims to deliver a range of improvements along the A511 Major Road Network (MRN). These highway works include improvements to be made to nine locations between the A42 Junction 13 at Ashby to the Field Head roundabout near Junction 22 of the M1; upgrading a section of Stephenson Way from a single to a dual carriageway; and the construction of the Bardon Link Road (the proposed development) which links the A511 with the housing development on Grange Road. The intention is for some of these works to be carried out under permitted development rights afforded to the applicant, whilst this proposed aspect of the wider scheme requires an application for planning permission.
5. The aforementioned housing developments on Grange Road relate to the following planning permissions which have been granted by North West Leicestershire District Council:
  - Planning Application Ref. 12/00376/OUTM - Land North Of Grange Road Hugglescote Coalville Leicestershire LE67 2BQ - Residential development of up to 800 dwellings with associated highway works, including demolition

of existing buildings, drainage infrastructure, formation of two new accesses onto Grange Road, a local centre (comprising uses within classes A1-A5, B1, C2, C3 and D1 of the Use Classes Order), new primary school, public open space, play areas and landscaping (Outline - all matters (other than part access) reserved) – Approved subject to conditions (12/07/2012).

- Planning Application Ref. 13/00956/OUTM - Land Off Grange Road, Hugglescote, Leicestershire - Development of up to 2,700 dwellings, up to 2 Ha for a new local centre including up to 2,000 sqm for A1, A2, A3, and A5 uses, up to 499 sqm for public house restaurant, up to 400 sqm for children's day nursery and up to 500 sqm for new medical centre; new primary school, on-site National Forest planting and areas of public open spaces, new bus routes and bus infrastructure and associated highways and drainage infrastructure. (Outline - all matters reserved) – Approved subject to conditions and S106 agreement (26/09/2016).

## **Description of Proposal**

### Overview

6. This planning application forms a part of the wider Leicestershire County Council's A511 Growth Scheme. This Scheme aims to deliver a range of improvements along the A511 Major Road Network (MRN). These highway works include improvements to be made to nine locations between the A42 Junction 13 at Ashby to the Field Head roundabout near Junction 22 of the M1; upgrading a section of Stephenson Way from a single to a dual carriageway; and the construction of the Bardon Link Road (the proposed development) which links the A511 with the housing development on Grange Road

### Highway

7. The proposal would see the construction of a new highway that would run in a north-south direction from the existing A511 Bardon Road roundabout junction with Stephenson Way, creating a fourth arm to the existing roundabout. The proposed link road would extend 450m in length from the southern section of Bardon Road, with a total carriageway width of the 6.75m. The link road would extend southwards beyond the rear of the properties on this section of Bardon Road and would link to the spine road being delivered as part of the Grange Road residential development.

### Structures

8. To enable the proposed link road to be created along the southern section of Bardon Road, it is proposed to demolish four of the existing properties along this part of the highway.
9. The proposed development also includes the creation of a 12m in length underbridge to enable the proposed road to pass beneath the existing operational railway line to the southern section of the application site. This is proposed to be a 13m wide square shaped structure which would also enable pedestrian/cycle users.

### Drainage, Culvert and Balancing Ponds

10. The proposed development includes a Sustainable Drainage system (SuDs) incorporating a balancing pond, a new 1.2m culverted storm pipe and a series of new storm water pipes also included within the design of the scheme. This would enable the facilitation of the controlled flow of flood water through the railway embankment to a proposed balancing pond.

### Non-motorised Users

11. The proposed development includes a shared cycleway/footway to be included on both sides of the proposed highway. This is proposed to be 3m in width to both sides from the roundabout to the southern end of the proposed underbridge. To the south of the underbridge, a 3m wide cycleway/footway will continue on the eastern side of the proposed link road, whilst the western side will reduce to 2m in width to integrate with the proposed development to the south.
12. The existing N86 PRow cuts through the Site, from the A511, heading south and through the existing underpass. It is proposed that the N86 PRow is diverted to facilitate a crossing of the new road. It is proposed to provide an uncontrolled crossing with tactile paving at this location.

### Ecology Mitigation & Biodiversity Net Gain (BNG)

13. A Biodiversity Net Gain Report (and accompanying Biodiversity Metric) has been submitted. Based on the current plans for the application site, the proposed development is predicted to result in a net gain of 12.19% for area-based habitat units, a net gain of 119.19% for hedgerow units and a net gain of 1.92% for river units. All habitat scores adhere to the local requirement of conserving, restoring, or enhancing biodiversity. The proposal also provides appropriate mitigation for impacts to mature plantation or secondary woodland and cLWSs present on the Site in the form of woodland and tree provision. The development also provides appropriate mitigation for the loss of a length of the watercourse by means of enhancement of the northern section of the watercourse and the creation of a new length of ditch.
14. Surveys and mitigation measures have also been provided in relation to protected and notable species present within the application site including bats, badgers, grass snake, aquatic invertebrates and invasive non-native species.

### Landscaping

15. The Proposed Development comprises the construction of a new two-way highway (single lane in both directions) which is to extend to a length of approximately 450m. The Proposed Development is to enable access from the A511 Bardon Road to a new residential estate to the south of the site (Lower Grange Farm). The proposal will also include a shared footway / cycleway on both sides of the highway and landscape mitigation again on both sides of the proposed highway. It will also include typical water drainage features and is to be constructed at grade. The proposal includes the demolition of four residential dwellings to the southern side of the A511 Bardon Road (northern boundary of

the site) to enable the creation of the link road to the residential development to the south.

16. The application is accompanied by a Landscape Appraisal Summary which has undertaken an appraisal of likely effects on landscape character and visual amenity arising from the proposed development. Visual impacts of the proposed development have been evaluated for eight representative locations in the wider study area of the application site.

### Noise

17. The operation of the proposed development has the potential to result in both beneficial and adverse permanent traffic noise impacts. Additional mitigation is proposed to address the significant adverse effects predicted on Bardon Road and John Cooper Way comprising the installation of 1.8m close board environmental barriers. This would reduce the potential increases in traffic noise levels to the occupiers of properties on Bardon Road and John Cooper Way mitigating any adverse impact upon amenity.
18. Detailed consideration of the potential effects and identification of appropriate measures to minimise effects during construction as far as practicable will be reviewed within a Construction Environmental Management Plan (CEMP), prepared and implemented by the Principal Contactor appointed to construct the proposed development. The CEMP will include a range of best practice measures associated with mitigating potential environmental impacts.

## **Planning Policy**

### The Development Plan

*North West Leicestershire District Council Local Plan (NWLLP - adopted March 2021)*

19. The relevant policies of the NWLLP are set out below:
  - Policy S1 – future housing and economic development needs;
  - Policy S2 – Settlement Hierarchy;
  - Policy D1 – Design of new development;
  - Policy D2 – Amenity;
  - Policy H1 – Housing provision: planning permissions;
  - Policy Ec5 – East Midlands Airport: Safeguarding;
  - Policy IF4 – Transport Infrastructure and new development;
  - Policy IF5 – Leicester to Burton rail line;
  - Policy En1 – Nature Conservation;
  - Policy EN3 – National Forest;
  - Policy En6 – Land and Air Quality;
  - Policy He1 – Conservation and enhancement of North West Leicestershire’s historic environment;
  - Policy Cc2 – Flood Risk;
  - Cc3 – Sustainable Drainage Systems.

*Hugglescote and Donington le Heath Neighbourhood Plan 2019 – 2031  
(adopted November 2021)*

20. As the southern half of the application site is located within a Designated Area within the Neighbourhood Plan the relevant policies of the Neighbourhood Plan are set out below:
- Policy G1: Limits to Development;
  - Policy G2: South-East Coalville Development Scheme;
  - Policy G3: Design;
  - Policy ENV2: Protection of Sites of Environmental Importance;
  - Policy ENV6: Biodiversity and Habitat Connectivity;
  - Policy T3: Leicester to Burton Railway Line.

### National Policy

#### *National Planning Policy Framework (NPPF)*

21. The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions.
22. The NPPF advocates a presumption in favour of sustainable development at paragraph 11, and for decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or,
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies.
23. Paragraph 110 of the NPPF outlines that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
24. Paragraph 111 of the NPPF states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

25. Paragraph 112 of the NPPF states that development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles.
26. Paragraph 92 of the NPPF states that decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
  - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas; and
  - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
27. Section 12 of the NPPF covers achieving well-designed places outlining the importance of good quality design, whilst also outlining the importance of trees from a visual perspective. Section 14 relates to meeting the challenge of climate change and flooding matters.
28. Section 15 of the NPPF covers conserving and enhancing the natural environment. Paragraph 174 advises that planning decisions should: contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside and landscapes; minimising impacts on and providing net gains for biodiversity by establishing coherent ecological networks; and preventing unacceptable levels of pollution.
29. Paragraph 185 of the NPPF states decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider



area to impacts that could arise from the development. This includes noise, air and lighting impacts.

30. Paragraph 195 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

#### Other Material Considerations

##### *Leicestershire Local Transport Plan 3*

31. The Leicestershire Local Transport Plan 3 (LTP3) Strategy was published in 2011 with implementation plans published for each three year period. The LTP3 covers the county of Leicestershire, including the City of Leicester, seven Boroughs and several towns including Coalville. The Local Transport Plan strategy recognises that a number of towns experience 'appreciable congestion' with Coalville being one of the four towns mentioned.

##### *Leicestershire Highway Design Guide, Interim Guidance 2022*

32. The Leicestershire Highway Design Guide deals with highways and transportation infrastructure for new development in areas where LCC is the highway authority. The current interim updated version (January 2022) is currently under review. It sets out adoption standards for roads.

##### *North West Leicestershire District Council Infrastructure Delivery Plan*

33. The North West Leicestershire Infrastructure Delivery Plan identifies that highway infrastructure improvements at various junctions along the A511 corridor will play an imperative role in addressing the infrastructural constraints placed on the Coalville Growth Corridor and unlocking further development. It identifies the following improvements:

- Capacity enhancements including localised widening works;
- The restriction of selected turning movements;
- The introduction of signal control;
- The delivery of a Bardon Link Road between Bardon Road and Beveridge Lane.

##### *South East Coalville Leicestershire Development Brief (July 2013)*

34. The South East Coalville Leicestershire Development Brief outlines the importance of a vehicular access to the A511 at the junction of Bardon Road and Stephenson Way from the land proposed to be developed to the south.

##### *The Interim Coalville Transport Strategy (September 2021)*

35. The Interim Coalville Transport Strategy details the existing transport challenges comprising; the congestion on the A511 and low levels of non-

motorised user trips. The Strategy also details future growth challenges identifying that Coalville is an area which is under pressure from development. Adding to this is the significant growth planned for Coalville as part of the NWLDC Local Plan with its vision for Coalville as a town that has grown significantly and benefitted from major investment in new infrastructure by 2031. This includes the creation of a junction improvement and link road at the Bardon Road A511 and Stephenson Way Junction.

### **Consultations**

36. **North West Leicestershire District Council (Planning)** – No objection subject to further details being submitted in relation to the material/finish of the proposed underpass feature of the proposal.
37. **North West Leicestershire District Council (Environmental Health Officer)** – No objection.
38. **Hugglescote & Donnington Le Heath Parish Council** –No objection. The Parish Council have stated that members are pleased to see that this link road is being constructed as this is long overdue in the locality.

The Parish Council have queried the impacts to the land originally identified within the residential scheme determined by NWLDC and potential agreements between the applicant and the developer of the residential development. The applicants responded to this with regard to the business case for the County Council and safeguards in the existing s106 agreement. This information was sent to the Parish Council for further comments – no further comments received.

39. **Coalville South ED Mr Keith Merrie CC**– Mr Merrie has outlined 3 concerns which affect the residents for any major construction project:

- HGV access and egress during construction – to avoid Hugglescote and Ellistown;
- Wheel wash facilities for vehicles leaving the site onto the public highways;
- Debris on the highway – both roads and footpaths.

Given the above concerns Mr Merrie asked the following questions:

- How can we make this project one to be proud of and for the developers to be considerate developers?
- Can we please make it a pre-requisite for Principal Contractor to ensure all other contractors get the preferred access/egress route for HGVs and they must use this route when they bid?
- Can we ensure the principal contractor ensure there is adequate and sufficient HGV access/egress signage at the major routes M1, A511, A447 to direct construction traffic before they get to the villages?

Following the confirmation from the LHA that they had no objections subject to conditions, this information was sent to Mr Merrie for comment with particular attention drawn to the requirement for a condition for a Construction Traffic and Environmental Management Plan. Once a principal contractor is employed by the applicant, they will need to provide this detailed Plan. Mr Merrie reviewed this and noted that a meeting with the principal contractor is also requested. The applicant and their Project Management team have confirmed that they are happy to facilitate this request and this information has been relayed to Mr Merrie.

40. **Coalville North ED Mr Craig Smith CC-** No comments received.
41. **LCC Highways Authority** – The initial comments from the Local Highway Authority (LHA) requested changes and clarifications from the applicant in relation to the highway scheme design and the junction modelling.

Additional information was submitted by the applicant seeking to provide clarifications in relation to the above and additional information in the form of revised plans (inclusion of bollards and road markings, auto tracking drawings, visibility splays and underbridge cross section plan with updated dimensions). Following review of these documents, the LHA confirmed that the relevant aspects of the design are now acceptable to HDM in planning terms, except for the vehicle tracking and the No. 36 driveway works. Some additional information in relation to junction modelling was also requested.

The further information was submitted to address the above concerns in the form of additional plans and a Transport Assessment Addendum. The LHA confirmed that in their view the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. Subject to conditions, the LHA have no objections to the proposal.

42. **LCC Landscape** – No objection subject to conditions.
43. **LCC Archaeology** – Initial comments provided outline that further information would be required from the applicant in the form of undertaking an archaeological evaluation of the application area (geophysical survey and trial trenching).

Following the submission of additional information, County Archaeologists confirmed that they are now able to withdraw the recommendation for pre-determination trial trenching, and to revise the recommendation to a programme of post-determination mitigation secured by condition on any planning approval.

44. **LCC Ecology** – No objection subject to conditions.
45. **Lead Local Flood Authority (Leicestershire County Council)** – No objection subject to conditions.
46. **LCC Heritage** – No objection.
47. **Environment Agency** – No comments.

48. **LCC Public Rights of Way** – No objection subject to conditions
49. **Network Rail** – No comment to make subject to the developer entering into any necessary agreements and licences and agreement on bridge and culvert design.
50. **Leicestershire Bridleways Authority** – No comments
51. **Leicestershire Footpaths Association** – No comments

### **Publicity and Representations**

52. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
53. A total of 2 representations (one person provided several separate comments), identified as objecting to the proposal have been received. Reasons for objection include, in summary:
- Speeding concerns;
  - Traffic increase has been exponential at Bardon Road over the past years and this will only increase now;
  - Concerns over getting in and out of driveways with fast moving traffic;
  - Compensation for devaluing property;
  - Concerns over ongoing vibration and house shaking;
  - Cut off walk to the dismantled railway;
  - Add to the destruction of the wider area;
  - Destroy animal and wildlife habitats;
  - Concerns over corruption and wanting to take the Council to court for passing the application before considering comments and difficulties objecting to these plans.
54. One comment has been received from the developers at the adjacent residential development to the south requesting that the applicant engages in further discussions with them as the balancing pond design evolves to ensure the delivery of a comprehensive set of proposals. This information has been relayed to the applicant.
55. Following the submission of some minor amendments in the form of the creation of additional shared space, additional grass verging, additional bollards and raised kerbing to one side of the footway, additional letters were sent to the relevant properties on 1<sup>st</sup> December 2022. One comment has been received from an individual that has previously made representations. They have not referenced any concerns in relation to plan amendments but have re-iterated concerns in relation to speeding, access to driveway, value of property and intention to take the county and district councils to court. They have also noted that the developers should be speaking to residents about their plans.
56. The issues raised are considered in the Assessment of Proposal section of this report.

## **Assessment of Proposal**

57. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to the principle of development, highways considerations including highway safety and traffic generation, landscape, ecology and archaeology.

## **Principal of Development**

58. Policy S1 (Future housing and economic development needs) of the North West Leicestershire Local Plan (NWLLP) outlines that over the plan period to 2031 provision will be made to meet the housing and employment land needs of the district as identified in the Leicester and Leicestershire Housing and Economic Development Needs Assessment. Provision will be made for the development of a minimum of 9,620 dwellings (481 dwellings per annum).
59. Policy S2 (Settlement Hierarchy) focuses significant development on locations which are best positioned and which are, or can be, sustainable. Coalville Urban Area is identified as a Principal Town and the largest amount of development should be directed here.
60. Policy IF4 (Transport, Infrastructure and New Development) New development will be expected to maximise accessibility by sustainable modes of transport, having regard to the nature and location of the development site, and contribute towards improvement of the following where there is a demonstrable impact as a result of the proposed development:
- (a) The provision of cycle links within and beyond sites so as to create a network of cycleways across the district, including linkages to key Green Infrastructure;
  - (b) The provision of public footpath links within and beyond sites so as to enhance the network of footpaths across the district, including linkages to key Green Infrastructure.

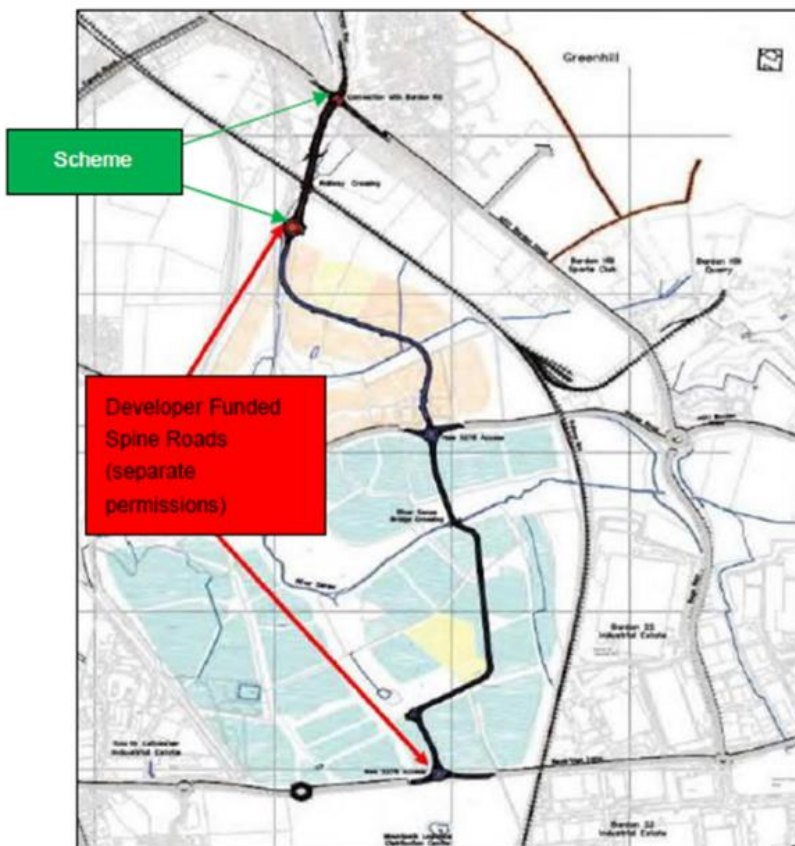
The Policy also identifies specific highway improvements as priorities, including the A511 corridor between J22 of the M1 and J13 of the A42.

61. The North West Leicestershire Infrastructure Delivery Plan identifies that highway infrastructure improvements at various junctions along the A511 corridor will play an imperative role in addressing the infrastructural constraints placed on the Coalville Growth Corridor and unlocking further development. It identifies the following improvements:
- Capacity enhancements including localised widening works;
  - The restriction of selected turning movements;
  - The introduction of signal control;
  - The delivery of a Bardon Link Road between Bardon Road and Beveridge.
62. South East Coalville Leicestershire Development Brief (July 2013) outlines the importance of a vehicular access to the A511 at the junction of Bardon Road and Stephenson Way from the land proposed to be developed to the south.

63. The Interim Coalville Transport Strategy (September 2021) details the existing transport challenges comprising; the congestion on the A511 and low levels of non-motorised user trips. The Strategy also details future growth challenges identifying that Coalville is an area which is under pressure from development, adding to this is the significant growth planned for Coalville as part of the NWLDC Local Plan. With its vision for Coalville as a town that has grown significantly and benefitted from major investment in new infrastructure by 2031. This includes the creation of a junction improvement and link road at the Bardon Road A511 and Stephenson Way Junction.
64. The proposed creation of the Bardon Link Road and associated development would be located within the Coalville Urban Area and would create a link to the housing developments to the south of Bardon Road. This proposed link has been a source of planning and strategic policy aims for a significant time, as can be seen from the above planning policies, assessments and strategic aims of both the County and District Councils. The proposed development is intended to ease ongoing congestion in the immediate and wider area, assist in unlocking wider development potential of the area to the south of the application site and provide for improved sustainable methods of accessing Coalville Town Centre. Whilst the loss of four dwellings is regrettable in housing stock terms, the proposed developments benefits in terms of unlocking further residential development would outweigh any policy concerns in this regard. Thus, it is considered that there is in principle policy support for the proposed development, but this is subject to the following wider material considerations of the proposed development.

#### Highways

65. The proposed development is a link road connecting the A511 Stephenson Way / Bardon Road roundabout junction, at its northern end, with developer funded spine roads at its southern end. The scheme is approximately 450m in length. The proposal forms part of a wider package of improvements along the A511 Major Road Network (MRN) known as the A511 Growth Corridor project.
66. The proposed development will link the A511 to a series of developer funded spine roads being brought forward as part of the South East Coalville Sustainable Urban Extension (SUE), creating a new link between the A511 and Beveridge Lane. An 18 tonne weight limit is proposed to restrict HGVs from using the route and it is proposed to have a 30mph speed limit. The below Figure 2, from the Transport Assessment, shows the proposed development within the wider context including the link to developer spine roads (provided as part of separate planning permissions).



**Figure 2 – Site Context**

67. The submitted Transport Assessment (TA) outlines the details of the scheme including the following:

- *creation of a new link road between an already permitted residential spine road serving the Davidsons Housing Development and the A511 / Bardon junction. The carriageway width will be 6.75m.*
- *alterations to the A511 / Bardon junction to incorporate a fourth arm.*
- *provision of a new footway/cycleway alongside the new link road. The width on the eastern side of the carriageway will be 3.0m except near the corner of property no. 46 where it will reduce to 2.5m for 20m length. On the west side of the carriageway, the footway width will be 2.0m up to underpass from south to north and then it will increase to 3.0m up to the roundabout (Note: Non-Motorised User (NMU) facilities to the south of the structure have been designed to mirror the facilities within the Davidsons Housing Development – footway /cycleway on eastern side 2m footway on western side).*
- *as the road extends south from the A511 there will be traffic calming with raised vertical features.*
- *demolition of four properties to allow the link road to reach the A511.*
- *changing access to driveways. Property 36 proposed new driveway to east to allow vehicle to enter and exit in a forward gear (see Figure 3.2). Property 67 change to kerb arrangement to make driveway left out only.*
- *where an existing PRoW traverses the road a new crossing will be provided;*
- *a new structure will be installed within the network rail embankment with a minimum height clearance is 5.879m.*

The Local Highway Authority (LHA) have reviewed the submitted information (including additional information pertaining predominantly to highways design). The various highways considerations include the following:

#### *Highways Design*

68. The LHA provided a number of comments on the scheme design during the planning application determination period following an independent design review. This required the submission of the following additional information:
- Details in relation to left-turning and inclusion of bollards to No. 69 Bardon Road;
  - Clarification in relation to road markings on the roundabout;
  - Justification for speed cushions explained (environmental mitigation for badgers crossing);
  - Revised swept path-analysis;
  - Updated dimension corrections and sight stopping distance envelope shown;
  - Design alteration through the creation of an additional area of shared surfacing outside No. 36 Bardon Road to allow vehicles to enter and exit in forward gear.
69. The LHA is satisfied with the above responses and have no objection to the highway design principles of the proposed development.

#### *Highway Safety*

70. The TA has set out a detailed review of Personal Injury Collision (PIC) data provided by LCC for the six-year period between 01 January 2012 and 21 December 2021. Having reviewed the information in the TA, the LHA is content that there are no PIC patterns which would be exacerbated by the proposed link road at locations which would not be subject to improvement by the A511 Growth Corridor Scheme proposals. Accordingly, no PIC mitigation is required in connection with the proposed link road.

#### *Traffic Flow Scenarios*

71. Based on the outputs from the LHA Pan Regional Transport Model (PRTM) and junction turning counts, the following junction assessment scenarios were developed for AM and PM peak periods in both 2026 and 2036 for the junctions impacted by the proposed scheme:
- Reference Case (future year forecasts without the scheme or wider A511 corridor improvements);
  - Design Case (future year forecasts with the scheme, but without the wider A511 corridor improvements); and
  - Design Case + A511 (future year forecasts with the scheme and with the wider A511 corridor improvements).
72. The LHA have reviewed the above and are satisfied that the AM and PM peak traffic flow scenarios developed are fit for the purpose of junction modelling in the TA.



### *Junction Capacity Assessments*

73. Following initial independent review of each junction modelled, there were a number of queries and concerns outlined with the modelling of many of the junctions under consideration. Several models were therefore required to be corrected, and the revised findings for those junctions were set out in the submitted Transport Assessment Addendum (TAA). The revised modelling has been reviewed by the LHA for each junction and are now satisfied with the models. They have noted that with the exception of junction 11/12, improvements at junctions 1, 6, 7, 13, and 15 would need to be implemented before the proposed link road were opened to traffic. This is to be secured by way of condition. It is noted that the above works which are to be conditioned are outside of the red-line and would require the use of a Grampian condition which prevents the start of a development until off-site works have been completed. The NPPG outlines that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. Given that the aforementioned works and associated infrastructure improvements/upgrades to the A511 are in the ownership and control of the applicant (LCC) it is considered that a Grampian condition is reasonable in this instance and realistic in terms of timeframes of implementation

### *Road Safety Audit (RSA)*

74. The scheme was subject to Stage 2 RSA (RSA2) by LCC's Traffic and Signals team in both January 2021 and March 2021. Both audits were responded to by the Designer, with the majority of recommendations accepted. The LHA consider that the designer has satisfactorily explained the rationale behind any recommendations not accepted and therefore the LHA accept the responses given.

### *Transport Sustainability*

75. The following elements are identified by the LHA in the proposed development from a sustainable mode of travel perspective:
- *New footway / cycle facilities which will link to the proposed development spine road to the south;*
  - *A crossing to facilitate an existing Public Right of Way (PROW); and*
  - *The proposed traffic calming is proposed via speed cushions which will be less disruptive to any future public transport services.*
76. From a strategic sustainability perspective, the LHA have identified the following:
- The proposed cycle facilities will tie into an existing local network of signed cycle routes within Coalville, linking these to the South East of Coalville SUE;
  - The proposed footway facilities will compliment PROWs in the area and link to the South East of Coalville SUE, which will include improvements to some of the PROWs; and
  - Offer a degree of flexibility for the future routing of public transport services in the area.

77. The LHA note that the proposed fourth arm at the A511 Bardon Road/Stephenson Way junction will necessitate some existing pedestrian and cycle movement along the A511 and Bardon Road needing to cross over the new carriageway. However, the arm will include a splitter island as well as dropped kerbs with tactile paving to facilitate these movements. Overall, it is considered that the proposal would have some very apparent transport sustainability benefits.
78. The LHA have concluded that the proposed development would enable improvements to congestion as part of the wider A511 Growth Corridor Scheme, as well as benefits to sustainable transport modes within the immediate vicinity of the scheme. They also deem that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions outlined above. The proposal would also adhere to policy IF4 of the NWLLP and paragraph 110 of the NPPF.

#### Public Rights of Way

79. Public footpath N86 passes through the scheme and is proposed to be diverted so that it travels along the proposed footway / cycle facility. An uncontrolled pedestrian crossing facility is proposed where it crosses the link road. The LHA are satisfied with the proposals for the footpath diversion subject to conditions for details to be provided for the treatment, requirement for dropped kerbs where the footpath crosses a carriage way and details of any changes to existing boundary treatments along the PRoW being submitted to the County Planning Authority. Thus, the proposal is considered to adhere to paragraph 100 of the NPPF.

#### Landscape/Trees and Visual Impact

80. The Proposed Development comprises the construction of a new two-way highway (single lane in both directions) which is to extend to a length of approximately 450m. The proposed development is to enable access from the A511 Bardon Road to the new residential development to the south of the application site. The proposal will also include a shared footway / cycleway on both sides of the highway and landscape mitigation again on both sides of the proposed highway. It will also include typical water drainage features and is to be constructed at grade. The proposal includes the demolition of four residential dwellings to the southern side of the A511 Bardon Road (northern boundary of the site) to enable the creation of the link road to the residential development to the south.
81. The proposed highway will run in a north-south direction from the A511 Bardon Road/Stephenson Way roundabout junction across open fields which include vegetated boundaries, agricultural drains and a public footpath. The highway is proposed to pass under an existing railway embankment that runs east to west. This will require the construction of an underbridge to enable the proposed highway to pass under the railway line, which is an operational freight, rather

than passenger line. The application site comprises significant amounts of grassland and woodland which is established on a disused railway embankment. This has been identified as a candidate Local Wildlife Site (cLWS). However, it should be noted that there are no statutory designations on the application site regarding biodiversity, landscape, or heritage matters.

82. The application is accompanied by a Landscape Appraisal Summary which has undertaken an appraisal of likely effects on landscape character and visual amenity arising from the proposed development. Visual impacts of the proposed development have been evaluated for eight representative locations in the wider Study Area of the Site. It outlines that in operation, effects on visual amenity will not exceed minor importance in Year 1 and will diminish further at three locations by Year 15, due to maturing of mitigation planting. It concludes that “However, there are no over-riding landscape or visual reasons, identified by this LVA, to suggest that the Proposed Development will cause important harm to landscape or visual amenity other than briefly and locally in proximity in construction, which is typically the case for most highway construction schemes”.
83. The submitted Arboricultural Impact Assessment (AIA) outlines that a number of trees and some sections of hedgerow will need to be removed to facilitate the road alignment and associated earthworks. The AIA outlines that the tree loss could be mitigated through a scheme of new tree planting which presents an opportunity to enhance the quality, benefits and resilience of trees on the application site. A submitted landscape design masterplan details the retained vegetation and a proposed planting schedule which contains trees, shrubs, ferns, grassed areas and marginal/aquatics species and density details. Native species have been recommended for the hedgerow and woodland mix and species rich mix has been proposed for the areas of wildflower meadow and grassed areas.
84. LCC Landscape Architects have reviewed the proposed development and the aforementioned documents (LVIA and AIA). They have concluded that *the proposed development will not have a significant adverse impact on the landscape character or visual amenity of the area*. Subject to conditions requiring adherence to the LVIA and AIA and the submission of landscape management and maintenance plan, they have no objections.
85. Thus, given the location of the application site in close proximity to the ongoing and proposed development to the south of the application site, the existing A511 and Stephenson Way junction and the residential and commercial development in close proximity, it is considered that the proposed development would not cause unacceptable harm in terms of character and appearance. It is considered that the proposal would comply with Policies D1, En1 and En3 of the NWLLP, Policies G2 and G3 of the Hugglescote and Donington le Heath Neighbourhood Plan and the principles outlined in Section 12 of the NPPF.

### Ecology

86. Within the southern section of the application site there are two candidate Local Wildlife Sites (cLWS): Coalville Wet Woodland and Coalville Grassland and Scrub. Coalville Wet Woodland cLWS is recognised for the wet woodland habitat it supports, which is a hydrologically sensitive, priority habitat under the

Natural Environment and Rural Communities (NERC) Act 2006, and the Coalville Grassland and Scrub cLWS is recognised for the presence of unimproved grassland and scrub, although only the latter habitat type falls within the site boundary.

87. The application has been accompanied by a Preliminary Ecology Appraisal and Phase 1 Habitat Survey which the results of the site survey and desk study indicate that the site has potential to support a range of protected and or notable species including badgers, bats, birds, Great Crested Newts, other mammals, reptiles and riparian mammals. Protected species surveys were undertaken, and reports prepared to address the findings of the PEA. A BNG assessment has been undertaken to inform the design of the proposed development. The assessment involves making a comparison between the biodiversity value of habitats present within the site prior to the development and the predicted biodiversity values of habitats following the completion of the development. The comparison is made in terms of biodiversity units with Natural England's biodiversity metric 3.0 providing the mechanism to allow the values to be compared.
88. LCC Ecologists have reviewed the submitted reports in relation to bats, badgers, grass snake, white clawed crayfish, otter and water vole, aquatic invertebrates and invasive non-native species.
89. Regarding bats, whilst no roosts were present at the time of surveying, the buildings are potentially suitable for bats. This requires a condition to be attached for pre-demolition surveys of building B3 (this could not be surveyed at the time) and repeat surveys of the other buildings if demolition has not happened before March 2023. Additional information in relation to lighting has been provided which is considered to be acceptable.
90. Badger surveys were considered to be acceptable. It is noted that precautionary working is needed and LCC Ecologists have requested this is covered by way of condition (referencing Section 6 of the Report). Additional information was provided to County Ecologists in relation to badger tunnels, to which there were no objections.
91. In relation to grass snakes, surveys indicated a small population was present at the time and mitigation is needed to move individuals out of harm's way. It is noted that precautionary working and some habitat enhancement is covered in section 5 of the reptile report, and LCC Ecologists have requested that this is referred to in a planning condition.
92. In relation to white-clawed crayfish, otter, water vole and aquatic invertebrates no further surveys or mitigation is required.
93. With regard to invasive non-native species, Himalayan Balsam was recorded along the stream. County Ecologists have noted that the applicant's attention should be drawn to the proposed biosecurity measures included in the report to ensure they are included in the CEMP/contract documentation.
94. A Biodiversity Net Gain Report (and accompanying Biodiversity Metric) has been submitted. Based on the current plans for the application site, the proposed development is predicted to result in a net gain of 12.19% for area-

based habitat units, a net gain of 119.19% for hedgerow units and a net gain of 1.92% for river units. All habitat scores adhere to the local requirement of conserving, restoring, or enhancing biodiversity. The proposal also provides appropriate mitigation for impacts to mature plantation or secondary woodland and cLWSs present on the site in the form of woodland and tree provision. The development also provides appropriate mitigation for the loss of a length of the watercourse by means of enhancement of the northern section of the watercourse and the creation of a new length of ditch.

95. LCC Ecologists have reviewed the BNG Report and concluded that overall, the development will be in net-gain for hedges, area habitats and streams. It is noted that although some woodland of high distinctiveness will be lost, this cannot be avoided, and LCC Ecology are satisfied that the applicant has justified this and provided bespoke mitigation, a requirement under the BNG methodology. They have requested that the BNG Report and metric are referred to by condition, as is the management of the habitats being in place for 30 years, as required for BNG. This should also be included within the conditioned Landscape and Ecological Management Plan.
96. It is considered that the proposal would not have an unacceptable impact upon relevant species, the cLWS and provides for sufficient BNG. Thus, the proposed development adheres to Policy EN1 of the NWLLP, Policies ENV2 and ENV3 of Hugglescote and Donnington le Heath Neighbourhood Plan and paragraph 174 of the NPPF.

### Archaeology

97. The submitted Heritage Statement concludes that there is a potential for the presence of otherwise unknown/unrecorded archaeological remains. It suggests this risk is low based upon the absence of geophysical anomalies detected by previous work in the vicinity. LCC Archaeologists, upon initial review, cautioned that these surveys have been of varying success, as indicated by subsequent excavation and recording south of Grange Road and to the north of the railway line. They initially recommended that geophysical survey accompanied by trial trenching will be necessary to understand the actual archaeological potential of the application site/development proposals. These works should be undertaken in advance of determination of the current application, to establish the impact of the proposals upon the historic environment.
98. The applicant provided additional information in the form of a) results of previous trial trenching associated with residential development to the south of the railway line, including a number of trenches on or close to the line of the link road and b) the presence of extensive scrub and vegetation preventing geophysical survey of the northern part of the application site. Following their review of this information, LCC Archaeology confirmed that they withdraw their recommendation for pre-determination trial trenching, and to revise the recommendation to a programme of post-determination mitigation secured by condition. Thus, there are no objections from an archaeological perspective and the proposal is considered to adhere to Policy He1 of the NWLLP and Paragraph 195 of the NPPF.

### Heritage

99. There are no listed buildings within the site boundary and the application site is not within a Conservation Area. The LCC Heritage Officer has reviewed the proposal and has no objection. Thus, it is considered that the proposed development would not create any unacceptable impact to the setting of any listed buildings or to a conservation area within the study area. The proposal adheres to Policy He1 of the NWLLP and Paragraph 195 of the NPPF.

### Drainage/Flood Risk

100. The Lead Local Flood Authority (LLFA) has reviewed the submitted information (including Flood Risk Assessment). The application form states incorrectly that the site is not in an area at risk of flooding. The site is covered by the Risk of Flooding from Surface Water Maps, published by the Environment Agency as the 'Long Term Flood Risk Map2' and this map shows that part of the road is located in an area of low/medium risk of surface water (pluvial) flooding. However, the LLFA are satisfied that the FRA shows that the site drainage arrangements take into account both fluvial and pluvial flood risk. Infrastructure is provided, which subject to provision of more detail will provide an appropriate level of flood risk protection for the road, whilst ensuring no unacceptable increase in flood risk to adjacent third-party land outside of the red line boundary.
101. Although the application includes for the modification of the existing A511/Bardon Road roundabout with a new arm for the link road, there are no details provided for the existing roundabout highway drainage, any current level of flood risk, or any required drainage modification. The LLFA have outlined that this will be required to be addressed by way of condition. It is also noted that a section of the link road is proposed to drain south and outfall into a highway drainage/surface water sewer network provided by a developer. The LLFA have also stated that it will be necessary to show evidence that the discharge from the link road has been approved and that the receiving network has capacity to accept the link road discharge (by way of condition).
102. The LLFA have concluded that the proposals are considered acceptable to the LLFA in principle, and advise a series of planning conditions be attached to any permission granted. The development should be designed in accordance with the surface water management principles provided within the application. The proposal is considered to comply with Policies CC2 and CC3 of the NWLLP and Section 14 of the NPPF.

### Residential Amenity

#### *Noise/Vibration*

103. Noise will be generated during both the construction and operation of the proposed development. Detailed information on the construction activities, programme or number or type of construction plant has not yet been confirmed. This will be the responsibility of the contractor should the application be granted planning approval. The Noise Assessment notes that there is potential for an increase in ambient noise levels resulting in adverse noise and vibration impacts at the closest receptors to the works, particularly if evening/weekend

and night-time works are required. The applicant has outlined that further consideration of the potential effects and identification of appropriate measures to minimise effects during construction as far as practicable will be reviewed within a Construction Environmental Management Plan (CEMP), prepared, and implemented by the principal contractor appointed to construct the proposed development. The CEMP will include a range of best practice measures associated with mitigating potential environmental impacts including noise.

104. Given the siting of the proposed development and the surrounding characteristics of the application, the operation of the proposed development has the potential to result in both beneficial and adverse permanent traffic noise impacts. The Noise Assessment outlines the additional mitigation proposed to address the significant adverse effects predicted on Bardon Road and John Cooper Way comprising the installation of 1.8m close board environmental barriers. This would reduce the potential increase in traffic noise levels to the occupiers of properties on Bardon Road and John Cooper Way mitigating any adverse impact upon amenity. There will be need for some work to be carried out outside of the normal working hours of 0700 hours and 1900 hours Monday to Friday; and 0800 hours and 1300 hours Saturday. This is due to the constraints of working on railway possessions and minimising disruption to the ongoing use of the railway line and works required for traffic management purposes. It is considered that these exceptions are acceptable given the separation of the proposed underbridge to sensitive receptive receptors but further details in relation to these and any mitigation proposed will be required to be submitted by way of condition (CEMP and Construction Traffic Plan).
105. The Environmental Health Officer at North West Leicestershire District Council has reviewed the submitted details and not expressed any concerns in relation to noise or vibration.

#### *Air Quality*

106. An Air Quality Assessment (AQA) has been submitted as part of the application. The Assessment details that the proposed development has the potential to result in both increases and decreases at sensitive receptors due to the re-routing of traffic around Coalville. Increases in traffic flow are anticipated on the roads within the existing committed developments as the proposed development will complete the north-south link between Beveridge Lane and Bardon Road as well as on the A511, north of the proposed development. Decreases in traffic flows are anticipated on the A511, east of the new roundabout, Regs Way and Central Road, as vehicles use the new road to access Coalville in preference to the existing north-south routes. The AQA concludes that the proposed development and mitigation measures will ensure there are no significant air quality effects for humans or designated habitats during the construction or operation of the proposed development. The Environmental Health Officer at North West Leicestershire District Council has reviewed the submitted AQA and confirmed that they are satisfied with the assessment and measures outlined.

#### *Contamination*

107. A Phase 1 Ground Investigation Report has been prepared to assess the ground conditions of the site. The report comprises a desk-based review of

published records, historical mapping, historical borehole records and observations made during a site visit. The Phase 1 Report concludes that the risk of encountering ground contamination is moderate. The risks may be mitigated by further assessment through a supplementary intrusive ground investigation and risk assessment at the detailed design stage and, if necessary, the inclusion of appropriate mitigation measures during construction. This is subject to a planning condition, if at any time during the construction or operation of the development hereby permitted contamination not previously identified is found to be present at the site the necessary mitigation measures will need to be submitted to the County Planning Authority, the potential risks identified are not considered to pose a significant risk to the proposed development. No concerns have been raised by The Environmental Health Officer at North West Leicestershire District Council in relation to contamination.

### *Structures*

108. To enable the proposed link road to be created along the southern section of Bardon Road, it is proposed to demolish four of the existing properties along this part of the highway. The proposed development also includes the creation of a 12m in length underbridge to enable the proposed road to pass beneath the existing operational railway line to the southern section of the application site. This is proposed to be a 13m wide square shaped structure which would also enable pedestrian/cycle users.
109. Given the separation distance from the proposed underbridge to existing residential properties and non-residential buildings/uses, it is not considered that the proposed underbridge would cause any unacceptable impact upon residents of neighbouring properties in relation to sunlight/daylight/privacy matters and in terms of being overbearing. It is not considered that other associated works such as bollards, shared surfacing, lighting etc, would cause any unacceptable impact upon the amenity of neighbouring residents. Given the lack of detail in relation to the proposed lighting, a condition is to be included to provide for these details to ensure that there is no harm upon the amenity or character of the area. Therefore, it is considered that the proposed development would not create any unacceptable amenity concerns in relation to noise, vibration, air quality, contamination, sunlight/daylight and privacy. The proposal would comply with Policies D2 and En6 of the NWLLP and Paragraph 185 of the NPPF.

### Climate Change/Sustainability

110. In May 2019 Leicestershire County Council declared a climate change emergency. It is considered that the proposed development is aimed at easing congestion within the wider Coalville Area and providing for non-motorised users to access Coalville Town Centre via proposed walkway/cycleway. Thus, it is considered that the proposal would have broad sustainability benefits and there are no concerns in this regard. It is considered that the proposal complies with Paragraph 110 of the NPPF and sustainability principles of Section of 14 of the NPPF.

### Burton to Leicester Railway Line



111. The Leicester to Burton rail line runs in an east-west direction, located in the southern half of the application site and Policy IF5: Leicester to Burton rail line, seeks to ensure any development does not prejudice the route of this rail line.
112. The proposed link road scheme and associated infrastructure will pass under the railway to access the southern part of the application site and Network Rail have been consulted on the proposed development. They have not provided any objection in relation to planning matters subject to the applicant entering into any necessary agreements and licences and agreement with Network Rail on bridge and culvert design.

### East Midlands Airport

113. Policy Ec5: East Midlands Airport Safeguarding, identifies the wider area as safeguarded for the East Midlands Airport (EMA). Any proposed tall structures or those which may interfere with the navigational aids of the airport, any proposal where the lighting elements of a development which may have the potential to distract pilots, any proposal for an aviation use or proposal which has the potential to attract a large number of birds, or a proposal for wind turbine development would not be permitted. It is unlikely that the proposed development presented in this application would negatively affect the safeguarding of the EMA under any of the criteria listed in this policy

### Other Matters

114. It is noted that objections have been received from two residents in relation to the proposed development. Matters have been raised in relation to traffic, speeding and accessibility to driveways. As has been outlined in the preceding report, the Local Highway Authority have carried out a comprehensive review of all highway's matters (including matters outlined by objectors) and considered that the proposal would not cause any unacceptable highways issues. As has also been considered in the above reports, impacts upon the character and landscape are considered to be within acceptable levels and there are no unacceptable impacts upon existing biodiversity or wildlife habitats. Impacts upon PRoW and accessibility/connectivity have been deemed to be acceptable and the proposal would not cause unacceptable vibration impacts. It is noted that the proposed development includes an 18 tonne weight limit to restrict HGVs from using the route and it is proposed to have a 30mph speed limit.
115. Concerns raised in relation to devaluation of the property and taking the Council to court/corruption comments are not material planning considerations. It should be noted that the County Planning Authority have complied with all statutory planning requirements and liaised with the objectors to outline the process and how their comments would be considered and also provided details for any comments to be passed directly to the applicants to consider. It should be noted that with regard to concerns noted in relation to the developer not talking to residents, the applicants have outlined in their Planning Statement that consultation has been undertaken with the community and key stakeholders on this proposed development. A detailed Statement of Community Engagement (SCE) has been prepared and has been submitted in support of the planning application. The SCE includes an analysis of the main themes arising through

the public consultation activities (feedback forms/questionnaires/face-to-face) and presents the applicant's response to those themes where possible.

### **Conclusion**

116. In principle the proposal is in accordance with the policies and strategies of the Development Plan, which makes provision for a link road. The proposed development complies with the policy requirements of the NPPF. The proposed development would enable improvements to congestion as part of the wider A511 Growth Corridor Scheme, as well as benefits to sustainable transport modes within the immediate vicinity of the scheme. It is also considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The proposed development would not cause an unacceptable harm to the character/appearance/landscape to the application site or the surrounding area, nor would the proposal create any unacceptable levels of harm to the amenity of the occupiers of the surrounding properties. The proposed development is also acceptable with regard to ecology, flood risk/drainage, archaeology/heritage and climate change considerations. Thus, the proposal is recommended for approval subject to the condition outlined in the Appendix A.

### **Statement of Positive and Proactive Engagement**

117. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; and consultation responses. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **Recommendation**

A. Approval subject to the conditions set out in Appendix A.

### **Officer to Contact**

Brian O' Donovan (0116 305 1085)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## APPENDIX A

### Conditions

#### Commencement

1. The development hereby permitted shall be commenced within 3 years from the date of this permission

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

#### Approved Details

2. Unless otherwise required by this permission or approved in writing by the County Planning Authority, the development shall be carried out in accordance with the following details:

Drawing no.	Rev	Title	Date issued
60647945 Figure 1	-	Site Location	May 2022
MRN A511.000-H1-1P-1_OVERVIEW	A	Scheme Overview	Nov 2022
MRN A511.000_H1_1P_2A_Auto Tracking	B	Auto Tracking 1 of 3	Nov 2022
MRN A511.000_H1_1P_3A_Auto Tracking	B	Auto Tracking 2 of 3	Nov 2022
MRN A511.000_H1_1P_4A_Auto Tracking	B	Auto Tracking 3 of 3	Nov 2022
MRN A511.000_H1_1P_6_Setting Out	-	Setting Out	May 2022
MRN A511.000_H1_1P_7_Long Sections	-	Long Sections 1 of 3	May 2022
MRN A511.000_H1_1P_8_Long Sections	-	Long Sections 2 of 3	May 2022
MRN A511.000_H1_1P_9_Long Sections	-	Long Sections 3 of 3	May 2022
MRN A511.000_H1_1P_10_Drainage Long Sections	-	Drainage Long Sections 1 of 2	May 2022
MRN A511.000_H1_1P_11_Drainage Long Sections	-	Drainage (Pond) Long Sections 2 of 2	May 2022
MRN A511.000_H1_1P_12_Cross Sections	-	Cross Sections 1 of 4	May 2022
MRN A511.000_H1_1P_13_Cross Sections	-	Cross Sections 2 of 4	May 2022
MRN A511.000_H1_1P_14_Cross Sections	-	Cross Sections 3 of 4	May 2022
MRN A511.000_H1_1P_15_Cross Sections	-	Cross Sections 4 of 4	May 2022
MRN A511.000 - H1-1P-16	A	Visibility Splays	Nov 2022
MRN A511.000_H1_1P_17_Under Bridge Cross Section	A	Proposed Under Bridge Cross Section	Nov 2022
MRN A511.000-H1-1P-18_DRAINAGE	-	Drainage	May 2022

MRN A511.000 H1_1P_19C	C	Proposed Driveway Works (No. 36 Bardon Road)	Nov 2022
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Document	Rev	Date issued
Planning Statement	2	May 2022
Phase 1 Desk Study (Geotechnical and Geo-environmental)	2	May 2022
Noise Assessment	1	May 2022
Landscape Appraisal Summary	1	May 2022
Heritage Statement	-	May 2022
Flood Risk Assessment and Outline Drainage Strategy	-	May 2022
Air Quality Assessment	1	May 2022
Preliminary Ecological Appraisal	1	May 2022
Arboricultural Impact Assessment	-	May 2022
Protected Species Report – Riparian Mammals	1	May 2022
Protected Species Report – Bat Survey Report (Structures and Activity)	2	May 2022
Protected Species Report – Bat Preliminary Roost Appraisal	1	May 2022
Protected Species Report - Reptiles		May 2022
Protected Species Report – Badgers	-	May 2022
Aquatic Ecology Survey Report	2	May 2022
Biodiversity Net Gain Report	1	May 2022
Biodiversity Metric Spreadsheet	-	May 2022
Transport Assessment	2	May 2022
Transport Assessment Appendices	-	May 2022
Transport Assessment Addendum	2	November 2022
Statement of Community Engagement	1	May 2022

*Reason: For the avoidance of doubt, and to ensure that the development is carried out in accordance with the approved conditions and in a satisfactory manner in the interests of the amenity of the area*

### Highways

- 3.. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum detail of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to, and approved in writing by, the County Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with policies D2 and IF4 of the NWLLP.*

- 4.. The proposed link road shall not be opened to the public until such time as it has been constructed in accordance with submitted drawing number MRN A511.000 H1-1P-1\_OVERVIEW Revision A - Scheme Overview Plan.

*Reason: To provide an appropriate route for highway users in the interests of general highway safety and in accordance with the NPPF.*

5. The proposed link road shall not be opened to the public until such time as the offsite works shown on the following submitted documents have been implemented in full:

- 2916/A4/1/1, 'London Rd / Forest Rd/Broom Leys Rd Coalville - Proposed Junction Improvements';
- MRN.000 A511\_Hoo\_Ash\_H2\_12\_3 and 4 – Road Marking Plan;
- MRN A511 000-Broom Leys-H2\_12\_1 – Road Markings Plan;
- MRN A511 000-Broom Leys-H2\_12\_2 - Road Pavements Plan;
- MRNA511-000\_Birch Tree H2\_12\_2\_markings - Road Markings Plan;
- MRN A511-000\_Dual Carriageway H2\_12\_3 - Road Markings Plan.

*Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the NPPF.*

#### *Public Rights of Way*

6. No development shall take place until a scheme for the treatment of Footpath N86 has been submitted to, and approved in writing by, the County Planning Authority. Such a scheme shall include provision for fencing, surfacing, width, structures, signing, landscaping, and management during construction in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

*Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the NPPF.*

7. Prior to construction, changes to existing boundary treatments running alongside the Public Right of Way, must be submitted to and approved in writing by the County Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

*Reason: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the NPPF.*

8. Where Footpath N86 crosses a Carriageway, drop kerbs should be installed at the crossing points.

*Reason: to improve access for all in the interests of protecting and enhancing Public Rights of Way and access and providing better facilities for users in accordance with Paragraph 100 of the NPPF.*

#### Drainage/Flood Risk

9. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the County Planning Authority. Thereafter the approved scheme shall be implemented in full accordance with the approved details.

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policy Cc2 of the NWLLP and Section 14 of the NPPF.*

10. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the County Planning Authority. Thereafter the approved management shall be implemented in full accordance with the approved details.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with policy Cc2 of the NWLLP and Section 14 of the NPPF.*

11. No use of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the County Planning Authority. Thereafter the approved maintenance measures shall be implemented in full accordance with the approved details.

*Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development. in accordance with policy Cc2 of the NWLLP and Section 14 of the NPPF.*

### Landscape

12. Prior to first use by the public of the proposed development, a landscape and ecological management & maintenance plan shall be submitted to, and approved in writing by, the County Planning Authority. Thereafter the approved plan shall be implemented in full accordance with the approved details.

*Reason: To achieve high quality landscaping and enhance biodiversity in accordance with policies D1, En1 and En3 of the NWLLP, Policies G2 and G3 of the Hugglescote and Donnington le Heath Neighbourhood Plan and the principles outlined in Section 12 of the NPPF.*

### Ecology

13. In the event that demolition works to the properties surveyed for the submitted Bat Report takes place after March 1<sup>st</sup>, 2023, all properties will need to be re-surveyed with details submitted to, and approved in writing by, the local planning authority prior to demolition taking place. In any event, a survey of

building B3 identified in the submitted Bat Report will need to be submitted to and approved by the County Planning Authority in writing.

*Reason: In the interests of wildlife protection in accordance with policy En1 of the NWLLP, Policies ENV2 and ENV6 of the Hugglescote and Donnington le Heath Neighbourhood Plan and the principles outlined in Paragraph 174 of the NPPF.*

14. Any trees that need to be removed to facilitate the development should be removed from August to March, to avoid the bird-nesting season.

*Reason: In the interests of wildlife protection and to avoid the need for re-surveying in accordance with policy En1 of the NWLLP, Policies ENV2 and ENV6 of the Hugglescote and Donnington le Heath Neighbourhood Plan and the principles outlined in Paragraph 174 of the NPPF.*

15. Habitats should be managed as per the recommendations of the Biodiversity Net Gain Report, and this shall be required for a minimum of 30 years from the completion of the development

*Reason: To ensure that biodiversity net gain is secured and provided in accordance with Paragraph 174 of the NPPF.*

#### Archaeology

16. No demolition/development shall take place/commence until a programme of archaeological work has been completed. The programme will commence with an initial phase of geophysical survey and trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to, and approved in writing by, the county planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

*Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy He1 of the NWLLP and Paragraph 195 of the NPPF.*

#### Amenity/Design

17. All lighting provision related to the development hereby permitted shall be in accordance with a detailed scheme to be submitted to, and approved in writing by, the County Planning Authority prior to its installation. The scheme as approved shall include details of the types and height of lights and/or light

columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use. Thereafter, the approved lighting scheme shall be implemented in full accordance with the approved details.

*Reason: To ensure that the illumination of the new carriageway is acceptable having regard to local residential amenity, highway/pedestrian users and the general character of the area in accordance with Policies D1 and D2 of the NWLLP and Paragraph 185 of the NPPF.*

18. No construction of the underbridge hereby approved shall be carried out until such time as details of the means of finish to the proposed underpass (and including its internal walls) has been submitted to, and approved in writing by, the County Planning Authority. Thereafter the approved means and materials shall be implemented in full accordance with the approved details.

*Reason: To ensure that the materials used respect the character and appearance of the site and local area in accordance with Policy D1 of the NWLLP.*

19. If at any time during the construction or operation of the development hereby permitted contamination not previously identified is found to be present at the site, no further development shall take place until a scheme which includes details of how the identified contamination will be remediated has been submitted to, and approved in writing by, the County Planning Authority. Any remediation works approved within this scheme shall be carried out in full prior to the occupation of the site.

*Reason: To secure appropriate remediation of contaminated land in accordance with policy En6 of the NWLLP.*

20. Prior to commencement of construction works, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the County Planning Authority. The CEMP shall include provision of mitigation of the effects of the development including proposed working hours. Thereafter the approved CEMP shall be implemented in full accordance with the approved details.

*Reason: To ensure the visual, residential and environmental amenity of the surrounding area is protected during the construction of the proposed development in accordance with Policy D1 of the NWLLP and Paragraph 185 of the NPPF.*

21. Apart from the exemptions set out in Condition 22, no operations shall be carried out at the site except between the following times: 0700 hours and 1900 hours Monday to Friday; and 0800 hours and 1300 hours Saturday. There shall be no operations on Sundays or public holidays.



*Reason: To ensure that the construction works can be carried out in a reasonable manner without significant effects on local amenity and the environment in accordance with Policy D2 of the NWLLP and Paragraph 185 of the NPPF.*

22. Exemptions – Working outside of the normal working hours detailed in Condition 21 shall be limited to working to agreed possessions with Network Rail to undertake works associated with the underbridge and works required to Bardon Roundabout necessary for traffic management purposes. Details of mitigation measures, timings and days shall be submitted to, and approved in writing by, the MPA in advance.

*Reason: To ensure that the construction works can be carried out in a reasonable manner without significant effects on local amenity and the environment in accordance with Policy D2 of the NWLLP and Paragraph 185 of the NPPF.*

## **Notes to the Applicant**

### **Highways**

Planning Permission does not grant approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences / permits / agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)

### **Public Rights of Way**

Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.

The Public Right of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.

Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.

No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

### **Drainage Flooding**

Regarding Condition 10, the LLFA advise that the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment drains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), attenuation basin details, flow control structure details, long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change

Regarding Condition 11, the LLFA advise that details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Regarding Condition 12, the LLFA advise details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Where there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/Flood-risk-management>

No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

#### Landscape/Ecology

Regarding Condition 13, this should cover a comprehensive landscape specification, reference to all relevant landscape British Standards and guidelines, methods of protection for retained existing vegetation, ground preparation, tree pit design, tree support, plant protection and maintenance and management measures. Habitat management referred to in BNG report must be carried forward into a LEMP, with a requirement to be provided for 30 years.

#### Archaeology

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

### Network Rail

Asset Protection Eastern - For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email [assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk).

Land Information - For enquiries relating to land ownership enquiries, please email [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk).

Property Services - For enquiries relating to agreements to use, purchase or rent Network Rail land, please email [propertyservicesneem@networkrail.co.uk](mailto:propertyservicesneem@networkrail.co.uk).

## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

The considerations set out below apply to all the preceding applications.

### **EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

Unless otherwise stated in the report there are no discernible equality and human rights implications.

### **IMPLICATIONS FOR DISABLED PERSONS**

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

#### **Note to Applicant Department**

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

### **COMMUNITY SAFETY IMPLICATIONS**

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

### **BACKGROUND PAPERS**

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

### **SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004**

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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