

**Residential development of up to 144 dwellings (Outline - all matters reserved) and erection of an extension to existing theatre to provide a cafe/visitor centre/rangers' office, installation of a play area, public realm works, landscaping and car parks (full)**

**Report Item No  
A1**

**Snibston Discovery Park Ashby Road Coalville Leicestershire  
LE67 3LN**

**Application Reference  
17/01424/FULM**

**Applicant:  
Mrs Jasdeep Dave**

**Date Registered:  
9 October 2017**

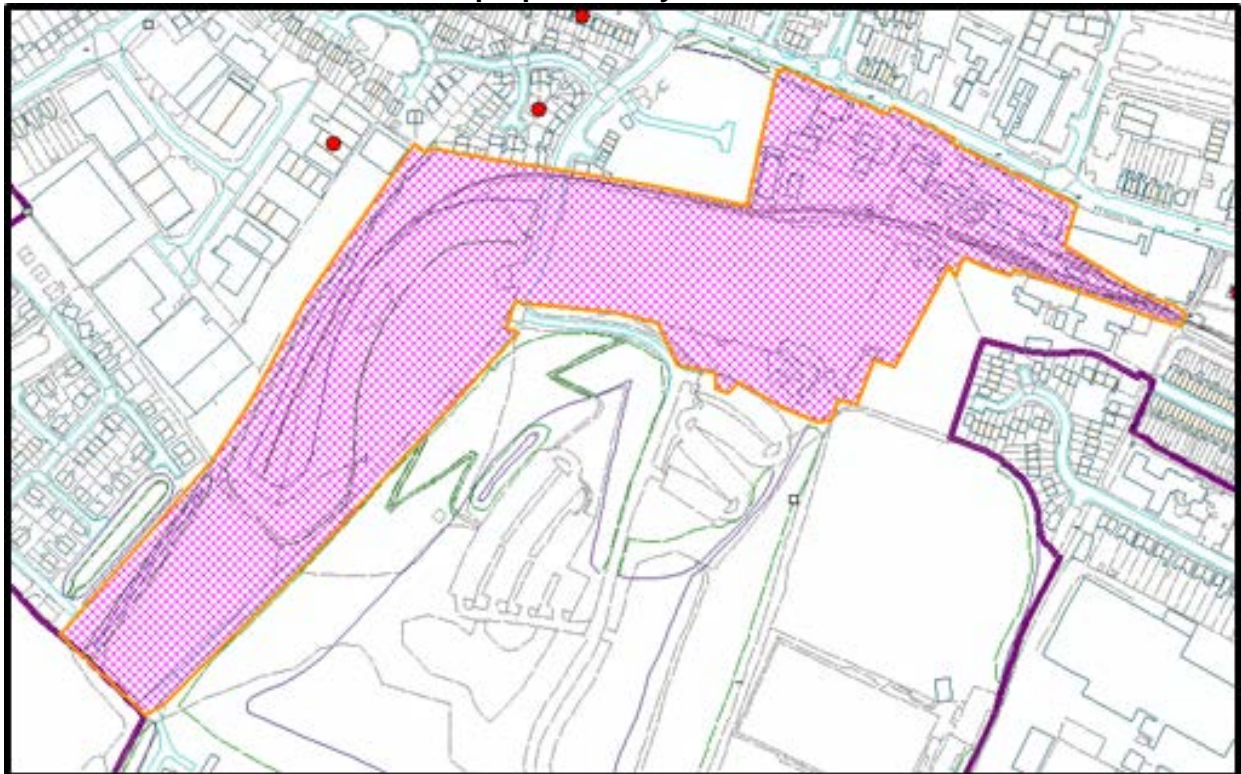
**Case Officer:  
James Knightley**

**Consultation Expiry:  
3 April 2018**

**Recommendation:  
PERMIT subject to S106 Agreement**

**8 Week Date:  
8 January 2018  
Extension of Time:  
16 February 2018**

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



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application is referred to the Planning Committee for a decision on the basis that the proposals raise issues that, in the opinion of the Strategic Director of Place, ought to be referred to the Planning Committee for determination.

### **Proposal**

This is a hybrid application for the provision of additional facilities for use in association with the adjacent Country Park (including the erection of an extension to the existing Century Theatre to form a café / visitor centre / ranger office) and for residential development (up to 144 dwellings).

### **Consultations**

Objections had been received from a number of statutory consultees but, as set out in the report, most issues raised have now been addressed.

### **Planning Policy**

The application site is partly within and partly outside Limits to Development in the adopted North West Leicestershire Local Plan (with the majority of the area proposed for housing falling outside Limits to Development).

### **Conclusion**

The development within those parts of the site falling within Limits to Development is considered acceptable in principle, and subject to being satisfactory in other respects (such as in terms of design, protection of heritage assets, and highway safety) is considered acceptable. Whilst the majority of the proposed residential development would be located outside Limits to Development, and whilst a full contribution towards transportation infrastructure is (for viability reasons) not proposed to be made, weight can be attributed to other benefits of the scheme (and including those in respect of heritage matters) and, overall, the harm arising from the residential element and any shortfall in respect of transportation infrastructure is considered to be outweighed by the scheme's benefits.

## **RECOMMENDATION:-**

### **PERMIT, SUBJECT TO SECTION 106 AGREEMENT AND CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

This is a "hybrid" application (i.e. part full and part outline) submitted by Leicestershire County Council, seeking planning permission on a site of 9.7ha forming part of the former Snibston Colliery (and, subsequently, the former Snibston Discovery Park) for various works associated with the operation of the adjacent Country Park, together with the erection of up to 144 dwellings.

The full element of the application relates to the eastern part of the site (in the area adjacent to a number of former colliery structures) and, following amendment, proposes the erection of an extension to the Century Theatre to provide a café, visitor centre and ranger office with welfare facilities, together with installation of a play area, public realm enhancements, hard and soft landscaping and car parking. This part of the site would be accessed via the existing (currently closed) Ashby Road access (and including some alterations to existing walls, and refurbishment of the existing gates).

The outline element of the application provides for the erection of up to 144 dwellings on 5.8 hectares of land within the western part of the site, including the front part of the site of the former Discovery Park building, and car parking areas to the western side of Chiswell Drive, located adjacent to existing residential development and the Ravenstone Road industrial estate. All matters are reserved in respect of the outline element of the application (although illustrative plans have been received showing a potential layout, and indicating that the residential development would be accessed via Chiswell Drive).

The applicant advises that the intentions behind the proposals include regeneration of the former colliery through provision of public access and heritage interpretation, and the enhancement of the adjacent Country Park by the provision of the additional facilities on the colliery site. Other enhancement works are also proposed to be undertaken by Leicestershire County Council in respect of the Country Park, but do not form part of this application (and, in some cases, would appear to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015).

A separate planning application (ref. 18/00066/FUL) has also been submitted by Leicestershire County Council for the provision of a pedestrian / cycle path along part of the route of the former mineral line serving the colliery, and which would provide a connection (through this site) between Chiswell Drive and Belvoir Road (Oliver's Crossing).

### 2. Publicity

127 Neighbours have been notified.

Site Notice displayed 20 February 2018 and 17 October 2017

Press Notice published Leicester Mercury 14 February 2018.

Press Notice published Leicester Mercury 18 October 2017.

### 3. Summary of Consultations and Representations Received

**Coal Authority** has no objections subject to conditions

**Coalville Heritage Society** supports the proposals the subject of the planning application

**Environment Agency** has no comments

**Historic England** has no objections subject to conditions

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

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

**Leicestershire County Council Education Authority** requests a financial contribution of £666,175.87.

**Leicestershire County Council Highway Transportation & Waste Management Authority** requests a civic amenity developer contribution of £9,415

**Leicestershire County Council Library Services Development Manager** requests a developer contribution of £4,350

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

**Leicestershire County Council Local Highway Authority** has no objections subject to conditions and Section 106 obligations

**National Forest Company** has no objections subject to conditions

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

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

**Snibston and Coalville Preservation Group** supports the proposals the subject of the planning application

**Theatres Trust** has no objections

**West Leicestershire Clinical Commissioning Group** requests a healthcare contribution of £78,971.04

#### **Third Party Representations**

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

- Overlooking
- Loss of view
- Overshadowing
- Proposed dwellings should be single storey only
- Noise to proposed dwellings from adjacent employment sites

- Increased traffic
- Impact on wildlife
- Site should be reserved for leisure / recreational use
- Existing landforms should be retained
- Proposed access road should retain its existing rural feel

#### 4. Relevant Planning Policy

##### National Policies

###### *National Planning Policy Framework (2012)*

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraph 7 (Achieving sustainable development)

Paragraphs 12 and 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 24 and 26 (Ensuring the vitality of town centres)

Paragraphs 32 and 34 (Promoting sustainable transport)

Paragraphs 47, 49 and 50 (Delivering a wide choice of high quality homes)

Paragraphs 56, 57, 59, 61 and 64 (Requiring good design)

Paragraphs 69, 70 and 73 ((Promoting healthy communities)

Paragraphs 100, 101, 102 and 103 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 118, 120, 121, 123 and 124 (Conserving and enhancing the natural environment)

Paragraphs 128, 131, 132, 133, 134, 135 and 140 (Conserving and enhancing the historic environment)

Paragraph 173 (Using a proportionate evidence base)

Paragraphs 203 and 204 (Planning conditions and obligations)

###### *Draft National Planning Policy Framework (2018)*

In March 2018, the Ministry of Housing, Communities and Local Government commenced consultation on a draft revised NPPF. In view of the early stage of this consultation process, it is considered that only limited weight may be attached to the policies of the draft NPPF at this time, and greater weight should be attached to the 2012 version. Notwithstanding the limited weight to be attached at this stage, however, the following sections of the draft NPPF are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 48, 55 and 57 (Decision-making)

Paragraphs 75 and 76 (Delivering a sufficient supply of homes)

Paragraphs 87, 88 and 90 (Ensuring the vitality of town centres)

Paragraphs 92 and 93 (Promoting healthy and safe communities)

Paragraphs 108, 109, 110 and 111 (Promoting sustainable transport)

Paragraphs 118 and 122 (Making effective use of land)

Paragraphs 124, 126, 128 and 129 (Achieving well-designed places)

Paragraphs 154, 157, 158, 161 and 163 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 168, 173, 176 and 178 (Conserving and enhancing the natural environment)

Paragraphs 185, 188, 189, 190, 191, 192, 193 and 198 (Conserving and enhancing the historic

environment)

Further advice is provided within the MHCLG's Planning Practice Guidance.

### **Adopted North West Leicestershire Local Plan (2017)**

The application site lies partly within and partly outside Limits to Development as defined in the adopted Local Plan (with that part of the site west of Chiswell Drive where the majority of the proposed housing would be located being outside Limits to Development); no other site-specific policies apply. The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy S3 - Countryside

Policy D1 - Design of new development

Policy D2 - Amenity

Policy H4 - Affordable housing

Policy H6 - House types and mix

Policy Ec8 - Town and Local Centres: Hierarchy and Management of Development

Policy Ec9 - Town and Local Centres: Thresholds for Impact Assessments

Policy IF1 - Development and infrastructure

Policy IF3 - Open space, sport and recreation facilities

Policy IF4 - Transport infrastructure and new development

Policy IF7 - Parking provision and new development

Policy En1 - Nature conservation

Policy En3 - The National Forest

Policy En6 - Land and air quality

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Policy Cc2 - Flood risk

Policy Cc3 - Sustainable Drainage Systems

### **Other Policies**

Good design for North West Leicestershire SPD

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

Leicestershire Highways Design Guide

## **5. Assessment**

### **Principle of Development**

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2017). As set out under Relevant Planning Policy above, the eastern part of the site is within Limits to Development as defined in the adopted Local Plan, and the western part outside.

Given that the proposed works in the area adjacent to the former colliery buildings would be within Limits to Development, there would be no policy conflict in principle in respect of those works, subject to meeting other planning policy requirements (and including the other Local Plan policies listed under Relevant Planning Policy above).

Of particular relevance in this regard is the proposed introduction of what is defined in the NPPF as a main town centre use (i.e. the proposed café). As it would be within 300m of the town centre boundary as defined in the adopted Local Plan, the proposed café would be located in an edge of centre location. In this instance, the applicant argues that, whilst the proposed café would be a main town centre use for the purposes of Paragraph 24 of the NPPF, the café is proposed as a site-specific facility directly related to the use of the site and wider Country Park (and, in that sense, therefore, could not be more appropriately located in a sequentially preferable location better related to an existing town centre). The applicant also draws attention to the limited scale of the proposed café use, and argues that it would be proportionate to the aim of servicing demand created by the heritage and recreation offer on the site (and, hence, would be unlikely to draw custom away from the town centre). In view of the particular circumstances applicable in this case, it is accepted that the strict application of the sequential approach would not be appropriate in this case and, in reality, provision of a facility to serve the colliery and Country Park site within a town centre (or a better (sequentially) edge of centre) location would not be appropriate given the intentions of the project. It is also noted that, in view of the proposed floorspace of the café use (i.e. below 1,000sqm), an impact assessment under Local Plan Policy Ec9 or Paragraph 26 of the NPPF would not be required.

Insofar as the land outside Limits to Development (where residential development of this nature is not supported under Policy S3) is concerned, it is noted that the NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the adopted Local Plan. Having regard to this position, the policies of the Local Plan are not deemed out-of-date by virtue of Paragraph 49 of the NPPF (and, furthermore, are up-to-date in other respects given that the Local Plan has only recently been adopted). The approach established by *East Staffordshire Borough Council v Secretary of State for Communities and Local Government and Barwood Strategic Land II LLP* (and the subsequent Court of Appeal case *Barwood Strategic Land II LLP v East Staffordshire Borough Council and Secretary of State for Communities and Local Government*) provided that it is implicit from Paragraph 14 of the Framework that, where development proposals do not accord with the development plan, they should not be approved; Paragraph 12 states that proposed development that conflicts with an up-to-date Local Plan should be refused unless other material considerations indicate otherwise. In view of this, the scheme's clear conflict with Local Plan Policy S3 would indicate that the principle of that part of the proposed residential development outside Limits to Development would not comply with the policies of the adopted Local Plan.

It is also acknowledged that, whilst outside Limits to Development, the site is previously developed land, which the NPPF encourages the re-use of. In addition, those parts of the site being located within the countryside are not in an isolated location, and are adjacent to areas within Limits to Development. Given this, and the relatively enclosed nature of landforms and the wider landscape in this area, it is considered that, whilst there is a clearly a policy conflict (and a need to determine planning applications in accordance with the development plan unless material considerations indicate otherwise), the harm to the character of the wider countryside would be limited to a significant degree in this case. In terms of any other issues in respect of the site's location outside Limits to Development, it is noted that, whilst the southern section of that part of the proposed residential development located outside Limits to Development would

be some distance from the closest bus routes on Ashby Road, should, as indicated, the access arrangements proposed at the reserved matters stage include pedestrian access via the St Modwen scheme to the north west, bus services on Ravenstone Road would be more readily accessible (400m approx.). In addition, there are a good range of services available in this part of Coalville and, as such, notwithstanding that part of the residential site's location outside Limits to Development, subject to the Ravenstone Road link being proposed at the reserved matters stage, there would nevertheless be a reasonable level of accessibility for occupiers of the proposed dwellings. The application is supported by a Framework Travel Plan which indicates that the site is accessible by sustainable modes of transport, stating that the surrounding area exhibits good levels of pedestrian and cycling infrastructure, and with some public transport opportunities within walking distance of the site; the County Highway Authority confirms that the Travel Plan is acceptable from its point of view.

Notwithstanding the accessibility credentials of the site and its previously-developed status, it remains the case that that part of the scheme located outside Limits to Development conflicts with the adopted Local Plan. However, this harm needs to be set against the anticipated benefits arising out of the scheme (and including any heritage-related implications, as set out in more detail below).

## **Historic Environment and Design**

### *Long Term Vision*

Following extensive dialogue between the County Council, District Council and Historic England, the amended application includes a long-term vision for the wider site. The supporting documents provide that the proposals "form a catalyst for the ongoing enhancement of Snibston Colliery, providing public access and heritage interpretation, whilst creating a café visitor facility as a focal point for the heritage offer and Country Park." They state that the long term vision seeks to deliver an education and tourism function, rationalise County Council museum collections management, and develop some of the site's buildings for commercial uses that will provide a sustainable future for the site. The County Council envisages delivering educational and tourism functions on the site in collaboration with third parties such as the Snibston and Coalville Preservation Group, the Coalville Heritage Society and the Leicestershire Industrial History Society. The aspiration, the County Council advises, would be to reintroduce guided tours (including the interiors of some colliery buildings), and would also seek to increase revenue from the site by way of making some buildings available for commercial use.

### *Designated Heritage Assets*

Part of the former colliery is designated as a scheduled monument, and also encompasses three listed buildings, namely a locomotive shed, the powder magazine (an explosives store) and a twentieth century administration building including offices, the colliery lamp room and a medical centre. Local Plan Policy He1 requires that proposals should, amongst others, conserve or enhance the significance of heritage assets within the District. National policy in respect of heritage assets is set out in the NPPF (and the MHCLG's Planning Practice Guidance), and as set out under Relevant Planning Policy above. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or its setting.

Following amendment, the scheme proposes a number of works in the vicinity of the scheduled monument and listed buildings, including the erection of an extension to the Century Theatre to form the café, visitor centre and ranger office, and various external public realm works such as



formation of a children's play area, creation of a circular "heritage trail", and the erection of fencing designed to restrict public accessibility to some of the site's historic structures. This fencing would take a number of forms, and would include a range of treatments, including weld mesh, post and rail, and chain link fencing. Extensive discussions have been held between the District Council, the County Council and Historic England, and resulting in the scheme now proposed.

In addition to the submitted Heritage Statement assessing the impacts of the proposed works on the site's heritage assets, the application is supported by a Conservation Management Plan which makes a number of recommendations, including longer-term measures designed to secure the site's protection, and its enhanced accessibility by the public. The application indicates that the former colliery buildings would be available to visitors (for both educational and recreational purposes) and aimed at "telling the story" of the site and its heritage significance (albeit potentially delivered through a third party). These measures do not form part of the planning application (and for the most part would not require planning permission), and essentially form part of the County Council's overall long-term vision of creating an interpreted heritage site that is open to the public; there are no changes to the colliery buildings proposed per se as part of this planning application, with the only works proposed in this regard relating to the formation of publicly accessible routes (and restriction as necessary through new fencing). Any future applications for planning permission, Listed Building Consent or Scheduled Monument Consent would need to be dealt by the District Council / Historic England as appropriate at that time.

Part of the applicant's case for the proposed residential development is to secure the necessary funding for the works the subject of the full element of the application and the implementation of a longer-term strategy for the protection of, (and, as set out above) public accessibility to, the former colliery site. In this sense, therefore, the proposed residential development would be "enabling development" (defined by Historic England in its Enabling Development and the Conservation of Significant Places guidance note as "development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved"). The issues surrounding the otherwise adverse impacts of the proposed residential development in planning policy terms are covered under Principle of Development above.

In terms of the impacts of the proposed development on the various designated heritage assets relating to the site, the submitted documents indicate that the proposed scheme (and including the residential elements and theatre extension) would, overall, result in a minor adverse effect on the significance of the Scheduled Monument resulting from development within its setting. These effects are, however, considered by the applicant to be limited given (i) the presence of similar 20th and 21st century residential development already in the area and (ii) the proposed extension being considered to be in keeping with the existing theatre structure. The applicant considers that there would however also be minor beneficial effects resulting from the consolidation and reopening of the former mineral railway to a footpath / cycleway (although it is noted that, save for the section passing through the current application site, this facility is the subject of a separate application). Insofar as the impact on the setting of listed buildings concerned, the applicant's submissions indicate that this would be expected to be minor adverse, leading to less than substantial harm to the heritage significance of the assets (and with the future implementation of a conservation plan to consolidate the buildings and repurpose them for public use being of benefit to the buildings and contributing to public understanding of and engagement with the assets).

The District Council's Conservation Officer has considered the revised proposals and draws

attention to the inclusion within the amended plans of two new pedestrian accesses to either side of the reconfigured Ashby Road access and a proposed reduction in height (to 1.2m) for visibility purposes. He takes the view that these alterations would harm the significance of the designated heritage assets (and stemming from a reduction in their character which, historically, would have been more "defensive" in nature). Whilst it is accepted that there would be a change from this original defensive character of the boundary treatment to Ashby Road (and that, to a degree, that change could harm the historic character of the heritage assets), it is also accepted that this harm would be limited in extent and, in addition to any highway / pedestrian safety benefits of the wall's reduction, a more "open" aspect could be more appropriate in terms of the intentions of opening up the site (both in terms of the former colliery structures and the wider Country Park beyond) to wider public recreational use, and may also assist in terms of providing greater surveillance and in terms of other community safety issues in respect of reducing opportunities for crime etc. Concern is also raised about the level of detail provided in respect of other fences and barriers proposed within the site itself (particularly in view of the fact that they would in some cases be abutting designated heritage assets); whilst further details have not to date been provided, it is nevertheless accepted that, given that a range of illustrative material in respect of the fencing has been provided, this can be dealt with appropriately by way of condition in this case.

For its part, Historic England draws attention to the need for clear and convincing justification for all harm and for its balancing against public benefits with great weight given to the conservation of the heritage assets. Historic England considers that the colliery requires a holistic Conservation Management Plan approach which secures the viable future of the site and structures (both in terms of their physical maintenance / preservation and their public understanding, access and appreciation); it advises that the revised scheme is a positive step in taking the site towards a viable future.

Whilst not forming part of the application proposals per se, Historic England's advice nevertheless highlights a number of areas where further work will be required to ensure continued positive progress, and including the relocated Wheelwright's Workshop, the Powder Magazine and Lamp Room / Control Room.

In terms of other issues, Historic England notes that there has been water ingress into headstock structures and associated corrosion and recommends that steps to address this are secured through conditions. Whilst works to these buildings are not the subject of this planning permission (and, moreover, are likely to require Scheduled Monument Consent from Historic England), the material considerations relevant to this application include the associated preservation works to the monument and, as such, it is considered legitimate to link the two. However, in this case, it is considered that any such works would more appropriately be secured by way of Section 106 obligations related to the implementation of a comprehensive management plan rather than by way of a planning condition.

Comments have also been received on behalf of other interested parties, and including the Snibston and Coalville Preservation Group and the Coalville Heritage Society. The Snibston and Coalville Preservation Group supports the amended proposals, welcoming changes made following earlier concerns, albeit with similar concerns to the Council's Conservation Officer in respect of the proposed alterations to the Ashby Road wall, and raising issues with respect to potential anti-social behaviour associated with some elements within the longer-term vision. Nevertheless, the Group urges early implementation. For its part, the Coalville Heritage Society also supports the proposals (and, similarly, raising concerns over potential anti-social behaviour associated with the longer-term vision).

Overall, it is accepted that some harm to the significance of designated heritage assets on the site would arise, but that this harm would be less than substantial. Paragraph 134 of the NPPF provides that, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". In this instance, therefore, any harm considered to arise in respect of the heritage assets needs to be weighed against public benefits (which, in this case, would, it is considered, principally be in respect of the contribution to public understanding and engagement with the assets).

The balance between the harm, by way of the 'in principle' conflict with adopted Local Plan Policy S3, is clearly and demonstrably outweighed by the benefits that would result from the proposals, most notably the works to and protection of the heritage assets, but also including the improvements to connectivity comprising the footpath/cycleway to Oliver's Crossing, and the wider country park. This site-specific material consideration is of such significance that it indicates planning permission should not, in principle, be refused on the basis of the conflict with Local Plan Policy S3.

Due to the extensive nature of the benefits of the scheme, it has been necessary to ensure the development will be deliverable. To that end, a viability appraisal has been undertaken on behalf of the applicant, and is being assessed on the Local Planning Authority's behalf by the District Valuer. At the time of preparing this report, the District Valuer was awaiting some of the required information from the County Council's consultants in order to complete its findings but, in the event that the District Valuer confirms agreement of the applicant's financial viability conclusions, it would (having regard to the approach to viability set out in the NPPF) be considered that the overall balance of benefits and harm outlined above would be reasonable.

Assuming this position is accepted, however, in order to ensure that this overall acceptable balance is achieved (and, hence, to ensure that the requirements of the NPPF (including Paragraph 134) and Local Plan Policy He1 are met), it would be necessary to make sure that the full range of benefits considered in that balancing exercise would be secured (and including ensuring the progression of a management strategy for the site in order to make sure that future opportunities for maintenance, enhancement and public access are protected). In view of the nature of these opportunities, and the need to adhere to a management plan / strategy designed to maximise future opportunities for use of the site, it would be considered appropriate to enter into a Section 106 obligation to secure these objectives (and to also ensure that, say, the residential development were not progressed in isolation of any heritage benefits being accrued). Whilst an initial strategy has been submitted, it is considered that a more comprehensive document (which includes greater detail of measures and a protocol for defining how and when they could be enabled / delivered, as applicable) should be secured by way of a Section 106 obligation.

In addition, having regard to the conclusions relating to financial viability, it would also be considered appropriate to include obligations which would ensure that, in the event that a higher than anticipated return was to be achieved on the proposed enabling development, any additional receipts be ring-fenced for use by the County Council in the enhancement of the former colliery site (although it would be open to members to opt to redirect any additional receipts towards other contributions (e.g. transportation) if preferred). It is also recommended that the Section 106 obligations include for regular viability review mechanisms during the construction period of the proposed residential development.

In accordance with the requirements of NPPF Paragraph 132, "great weight" should be given to the asset's conservation and, notwithstanding the approach set out in Paragraph 134, regard

nevertheless still needs to be had to the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990. In this case, and when applying the duty under Section 66 of the Act together with the tests set out in the Planning Practice Guidance, the view is taken that, whilst there would be a degree of harm to the settings of the listed buildings, the overall impact would be acceptable.

#### *Non Designated Heritage Assets*

In terms of non designated assets affected by the scheme, the submitted supporting documents indicate that the area the subject of the proposed residential development has low potential to affect hitherto unknown archaeological remains relating to the colliery itself; for his part, the County Archaeologist considers it unlikely that the residential development site is likely to retain any potential beyond the former mining building. However, he does advise that provision be made for photographic and historic building surveys of structures and elements affected by the proposals (including the Century Theatre, the former railway and existing railway sidings), and for archaeological assessment by trial trenching of any buried archaeological resource.

#### *Design of Proposed Public Buildings / Space*

Following extensive discussions between the County Council, the District Council and Historic England, a revised configuration of the area adjacent to the principal colliery buildings has been proposed. In particular, amendments have been made in order to seek a more logical use of space, and to seek to prioritise pedestrian and cycle use over vehicle use, and including a move towards a less engineered appearance to the principal route connecting the reopened Ashby Road access with the proposed car park (which would be formed in the approximate location of former car park space and on part of the hardstanding upon which the former Discovery Park building was sited).

Insofar as the carriageway elements are concerned, the District Council's Urban Designer welcomes the improvements made over the originally submitted scheme. Whilst some concerns over detailed design and use of appropriate materials remain, the Urban Designer is content with the proposals subject to the imposition of appropriate conditions to secure the required design quality. Previously raised concerns in respect of landscaping of the proposed car park (i.e. in order to secure a form of development appropriate in this National Forest setting, and serving the Country Park), provision of cycle parking and treatment of the main square have not been fully resolved but can, it is considered, be addressed by way of suitably worded conditions.

The application as originally submitted proposed the erection of a new, free-standing facility to provide the proposed café and Country Park visitor centre / ranger accommodation but, following amendment, would now be proposed as an extension to the existing Century Theatre structure. This, it is considered, would allow for a more usable public space to be formed to the northern side of the former mineral railway / cycleway, providing a greater sense of enclosure which, it is further considered, would lend itself better to creating an attractive, usable "square" (i.e. as opposed to a range of individual buildings distributed between the colliery buildings and car park). The re-routing of the proposed vehicular access to the car park (including a right angle bend in lieu of the originally proposed diagonal arrangement) is considered to not only enhance pedestrian priority, but also enable the provision of a more meaningful "square".

In terms of the design of the proposed extension itself, this would be in the form of a "sawtooth" layout (in plan view) and incorporating angled roof structures intended to reflect the design of the existing theatre structure. In terms of materials, the application documents refer to the use of metal cladding (understood to be likely to be zinc). It is considered that this contemporary

design approach would respect and complement the existing theatre structure, and would add to the attractiveness of the site as a visitor destination. Given its obviously contemporary appearance, it is considered that the erection of this building in the vicinity of the historic features on the site would not detract from the setting of those heritage assets in that it would clearly be "read" as a later addition, and would not in this sense cause confusion in terms of visitors' interpretation of those assets.

During the process of negotiations between the County Council, the District Council and Historic England, the potential for the removal of the existing pre-fabricated education building on the site was explored (an approach also favoured by the County Archaeologist); the building appears to have had the benefit of temporary planning permissions granted by the County Council, most recently expiring in 2015. At the present time, given the existing level of use of the building (including by the theatre) and the costs associated with providing a replacement for the facilities it provides, the County Council is understood to not be in a position to remove it and, on the basis of the submitted long-term vision documents, it would appear that the intention is to retain it on a permanent basis. Given its temporary nature / form of construction, it may not be the case that retention in perpetuity would be appropriate. However, it is noted that, as part of the proposals, it is intended to clad the building in zinc so as to reflect the proposed theatre extension. It is also acknowledged that the form of development shown for the public space (and the design of the proposed theatre extension) would mean that, were the decision taken in the future to remove the structure after all, a replacement structure would seem capable of being provided and would not be prejudiced by the retention of the education building in the meantime. For its part, Historic England considers that the proposed café proposals are a very positive step, but that there should be a medium term vision for the replacement of the education building and other non-historic temporary accommodation with a bespoke solution for the theatre. The Theatres Trust has been consulted in respect of the proposals, and supports the proposed amendments given the reduced likelihood of disturbance to performances from vehicles passing through the site, the enhanced accessibility by sustainable means, and the linking of the theatre and café functions.

#### *Design of Proposed Residential Development*

Insofar as the proposed residential development is concerned, the application is supported by a Design and Access Statement and Building for Life assessment.

In response to comments made by the District Council's Urban Designer, the revised proposals (supported by a Design and Access Statement Addendum) indicate two character areas, namely an "Industrial" character area in the section of the site closest to the principal colliery buildings, and typified by three storey units, and a predominantly two storey Country Park character area to the remainder. Additional information has also been submitted demonstrating the likely ground levels of the residential element, and demonstrating how it would sit in its wider context.

Whilst it is considered that further work would be required at the reserved matters stage in order to ensure that the residential element of the scheme meets the District Council's Good design for North West Leicestershire SPD, it is accepted that, at this outline stage, sufficient information has been submitted to demonstrate that this is achievable, and no objections are raised by the District Council's Urban Designer.

Notwithstanding the scheme as shown on the illustrative material, the residential development would need to meet the Council's requirements under Local Plan Policy H6 (housing mix), and a condition is required to secure this at the reserved matters stage.

### **Means of Access, Highways and Transportation Issues**

Insofar as the proposed means of access is concerned, the full element of the application proposes alterations to the existing (gated) access onto Ashby Road; whilst all matters are reserved in respect of the outline element of the application, the illustrative details indicate that access to the proposed housing would be via Chiswell Drive.

A number of concerns were raised by the County Highway Authority in respect of the application as submitted (including issues such as road safety implications, trip generation, assignment and distribution, car and cycle parking and the proposed cycle route) and, as such, additional information has been provided to address those issues. The County Highway Authority confirms that sufficient information has now been provided.

In terms of the scheme's impact on the wider highway network, the County Highway Authority draws attention to the importance of the A511 as a part of the primary A-Road network providing both local and regional connectivity. Given the significance of the A511 around Coalville, the County Highway Authority has been working in collaboration with the District Council to ensure that wider growth in and around Coalville can be accommodated by way of seeking contributions from developers towards measures required to mitigate the impacts (both individually and cumulatively) of the various developments forming that wider growth. This approach has been adopted as it is considered that the cumulative impacts of development around Coalville will have a large scale impact which should be addressed comprehensively, rather than in a piecemeal manner. In this case, and in accordance with similar contributions sought elsewhere in the area, the County Highway Authority advises that a contribution of £4,800 per dwelling (i.e. up to £691,200 for a scheme of up to 144 dwellings) be sought.

Under the provisions of the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville SPD*, the requirement for highways infrastructure contributions in Coalville is prioritised above other required contributions, and provides that affordable housing contributions can be reduced accordingly so as to ensure that, where other contributions are made, a development remains viable.

The report to Cabinet of 15 January 2013 which originally considered the proposed policy included an indicative list of potential transportation infrastructure measures to which the financial contributions made would be expected to contribute; based on the figures available at that time, the calculations provided to Cabinet suggested a potential contribution of between £4,419 and £4,884 per dwelling; the sum suggested by the County Highway Authority as appropriate in this instance would fall within that range. Consideration would need to be given to the most appropriate means of securing any such contribution (including, potentially under a Section 106 agreement and / or a Section 278 agreement).

However, the applicant advises that, due to viability constraints, it is unable to make the full contribution requested and proposes making a contribution of £250,000, together with an additional contribution of £80,000 towards the proposed pedestrian / cycle path linking the site with Belvoir Road. In terms of the proposed contribution towards the pedestrian / cycle link, it is noted that this is not one of the projects towards which Coalville transportation infrastructure has previously been directed (which, principally, relate to improving capacity along the A511 corridor between A42 Junction 13 and M1 Junction 22). However, it is considered that the proposed pedestrian / cycle link would provide for an alternative means of travel for cyclists / pedestrians and, in this sense, it would be considered reasonable to allow for it to be off-set against the

infrastructure contribution (i.e. it has the potential to reduce pressure on the A511 corridor (both for residents of the proposed development and elsewhere)). However, even when this is taken into account, this would still leave a significant shortfall in the contribution vis-à-vis the £691,200 suggested as appropriate by the County Highway Authority.

Under the provisions of the District Council's *Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville* policy, it would be open to the applicant to reduce the affordable housing to allow for an increased transportation contribution. However, this is not proposed in this instance, and it is considered that the applicant's intention to retain affordable housing at a policy-compliant 5% would be a reasonable approach. However, it would remain the case that the scheme as proposed would result in a shortfall. In practice, this could mean that there will be reduced (pooled) funding available in order for the County Highway Authority to direct towards comprehensive infrastructure mitigation.

Local Plan Policies IF1 and IF4 set out the requirement for development to be supported by appropriate contributions to infrastructure (and including transport), but do also acknowledge the need for the Local Planning Authority to have regard to viability issues in negotiating any such contributions; Paragraph 7 of the NPPF sets out the three dimensions of sustainable development (and including the economic role which seeks to identify and coordinate development requirements, including infrastructure). In the event that the proposed residential development progressed without appropriate contributions being made to transportation infrastructure, there could potentially be adverse impacts on the efficient operation of the local highway network if the County Highway Authority was unable to fund any infrastructure improvements necessary to accommodate the additional users generated by the scheme, although there is no evidence to indicate that any impacts would necessarily be severe (as per Paragraph 32 of the NPPF); any impacts on the efficient operation of the local highway network could also have implications in terms of the environmental dimension of sustainable development. This issue also needs to be balanced alongside all other material considerations, and a view reached on whether, having regard to this issue (and other issues as also set out within this report), the scheme would, overall, represent sustainable development. The issue is considered to be finely balanced but, overall, the officer view (and as set out within the conclusions below) is that, notwithstanding the harm associated with this issue, the scheme would nevertheless remain sustainable development in NPPF terms.

Alternatively, members may wish to consider whether (assuming the District Valuer concludes that the applicant's calculations on viability are reasonable) other contributions ought to be reduced in order to allow for increased contributions to be made towards transportation infrastructure (albeit the officer view is that, subject to the applicant's viability calculations being concurred with by the District Valuer, the overall "balance" of contributions proposed would be reasonable). In this scenario, it would again be necessary to consider the implications on sustainable development arising from the non-provision (or reduced provision) of the contributions in question.

Insofar as the proposed reopened access to Ashby Road is concerned, the County Highway Authority confirms that the applicant has demonstrated that the access can adequately cater for all of the anticipated types of vehicles, that the necessary visibility splays can be achieved, and that the proposed access would comply with the Leicestershire Highways Design Guide. It is noted that the access proposals have been prepared on the basis that a separate scheme of traffic calming to Ashby Road (not part of the proposals the subject of this planning application) would also be implemented. However, the County Highway Authority advises that details have

also been submitted which demonstrate that, in the event that such a scheme of traffic calming were not implemented, an acceptable form of access to Ashby Road could still be provided.

In terms of the proposed site access to the proposed residential development, the County Highway Authority notes that this matter is reserved, but comments that, subject to extension of Chiswell Drive, this would be likely to be an acceptable means of accessing that part of the site. In addition, the County Highway Authority draws attention to the content of the Transport Assessment which suggests that, in the absence of parking controls within the proposed residential development, any charging system for parking within the proposed full application car park could result in displaced parking within the residential area. Whilst the details of the proposed access and layout of the residential development would be issues for consideration at the reserved matters stage, it is accepted that any requirement for Traffic Regulation Orders (TROs) to Chiswell Drive (and the proposed residential development) would arise as a result of the full element of the proposals and, therefore, the County Highway Authority's request for a contribution towards potentially implementing an extension of the existing TROs would be appropriate.

In terms of the internal layout of the full application elements of the scheme, the County Highway Authority notes that it is not proposed that the vehicular routes within this area would be offered for adoption and, as such, has no comments.

#### *Transportation Contributions*

In addition to the wider highway network mitigation referred to above, the County Highway Authority requires the following (and to be secured by way of Section 106 obligations):

- (i) A contribution of £7,500 to Leicestershire County Council towards the legal processes associated with amending the TRO associated with the proposed waiting restrictions (see above);
- (ii) Travel Packs (one per dwelling) to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (these can be provided by the County Highway Authority if required at a cost of £52.85 per pack);
- (iii) Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour (these can be provided by the County Highway Authority if required at an average cost of £360 per pass); and
- (iv) Submission / approval of a construction traffic routeing agreement.

The applicant is agreeable to making the above contributions (i) to (iv) (albeit potentially providing the Travel Packs and bus passes direct rather than via financial contribution).

Overall in terms of Access, Highways and Transportation issues, therefore, the proposals are considered acceptable subject to conditions and Section 106 obligations (and / or securing any contributions by way of a Section 278 if considered more appropriate by the District Council's legal advisors), although consideration will need to be given to the shortfall in transportation infrastructure funding and its implications on the scheme's overall contribution to sustainable development.

#### **Neighbours' and Future Occupiers' Amenities**

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



In terms of future residents' amenities, the application is accompanied by a Noise Impact Assessment which identifies that the main sources of sound affecting the site are noise from the Biffa waste recycling plant to the west of the site (located on the Ravenstone Road industrial estate) and distant road traffic; concerns have been raised on behalf of the operators of the recycling facility over potential incompatibility between their operations (which take place between 0700 and 1830 on weekdays, and between 0700 and 1300 on Saturdays) and residential use.

The Noise Impact Assessment provides that, having regard to the potential impacts from the adjacent Biffa site, mitigation measures would be required, including:

- A minimum 4 m high bund with 2.5 m barrier on top to the western site boundary with Biffa;
- A minimum 30 m stand-off distance from the site boundary near the Biffa service yard to the nearest dwelling; and
- Orientation of dwellings such that gardens to plots in closest proximity to the Biffa site boundary would be located behind dwellings.

Subject to the implementation of this mitigation, the Noise Assessment indicates that appropriate internal guideline values could be achieved with standard double glazing and open windows, and that garden noise levels across the site would also be acceptable. There is no reason to suggest that the recommended mitigation could not be incorporated satisfactorily within a detailed scheme at the reserved matters stage.

In terms of impacts from the proposed development on existing occupiers, the Assessment notes that the predicted impact from vehicular movements for dwellings located on Chiswell Drive would be minor in the short term (i.e. during construction), but negligible in the long term. The Assessment also considers the impacts of the proposed playground on existing and proposed occupiers but identified no significant effects.

No objections on noise grounds are raised by the District Council's Environmental Protection team, and the development is considered acceptable in this regard.

Insofar as other amenity impacts on neighbouring occupiers arising from the proposed development are concerned, whilst an illustrative development framework plan has been submitted, all matters are reserved for subsequent approval. Whilst the illustrative material indicates that an acceptable relationship between existing and proposed dwellings would be achievable, any reserved matters scheme would need to be appropriately devised to the boundaries of the site adjacent to other dwellings (and, in particular, those on Chiswell Drive) so as to ensure that occupiers of both existing and proposed dwellings were afforded an appropriate level of amenity. There is no reason to suggest that the eventual form of development proposed under the reserved matters would necessarily result in undue loss of amenity to adjacent occupiers, and the scheme is, at this outline stage, acceptable in this regard.

### **Ecological Issues**

The application is accompanied by an Ecological Assessment Report (updated during the course of the application's consideration) based on a desk study and an extended Phase 1 habitat survey.

In terms of designated sites, the report notes that there are two statutory (the Nature Alive and Snibston Grange local nature reserves) and 20 non-statutory designated sites (including the Snibston Discovery Park candidate local wildlife site which includes part of the route of the

former mineral railway and an area adjacent to the former wheelwright's workshop) within 1km of the development site. Some loss of habitat within the candidate local wildlife site would result from the development but, the report indicates, appropriate mitigation for the habitat lost can be included.

In terms of protected species, none of the buildings on the site with bat roosting potential are proposed to be affected by the scheme, and the report indicates that impact of the loss of any bat commuting and foraging habitat is unlikely to be significant. Similarly, impacts on potential foraging and sett excavation / nesting habitat for badgers and breeding birds respectively are identified, but found not to be significant. The report also identified ponds within and adjacent to the site, but are found as unlikely to contain great crested newts or other amphibians.

The application as originally submitted was the subject of an objection from the County Ecologist in view of the investigation work undertaken in respect of bats, great crested newts and some of the site's habitat but, following the submission of the updated Ecological Assessment Report, the County Ecologist's concerns have been addressed, and no objections are raised. Subject to the proposed mitigation measures set out within the Ecological Assessment Report being secured, therefore, the proposals are considered acceptable in terms of ecological issues.

### **Flood Risk and Drainage**

The application is accompanied by a Flood Risk Assessment. This provides that the site lies within Flood Zone 1 (i.e. less than a 1 in 1,000 annual probability of river or tidal flooding in any one year) and, on this basis, the site is considered to pass the sequential test.

Insofar as other sources of flooding are concerned, the Flood Risk Assessment considers, in particular, the potential impacts from surface water, and identifies areas at high risk of surface water flooding (and including within the southern car park area the subject of the proposed residential development). To mitigate the risk of surface water flooding, however, the submissions recommend minimum finished floor levels within the development, and the limitation of surface water run-off rates. No objections are raised to the development by the Lead Local Flood Authority subject to the imposition of appropriate conditions; the Environment Agency confirms that it has no comments.

### **Geotechnical Issues and Land Contamination**

The application is accompanied by a Phase 1 Geo-Environmental Assessment and Coal Mining Risk Assessment and a Phase 2 Geo-Environmental Assessment assessing the potential hazards / contamination risks. These recommend further site investigations in respect of ground conditions and installation of gas protection measures; other than the provision of a 10 metre exclusion zone around a disused adit on the line of Chiswell Drive, no significant mining related constraints to development are identified. The District Council's Environmental Protection team raises no objections in this regards subject to conditions in respect of further investigations / remediation as necessary. The Coal Authority raises no objections subject to the imposition of conditions on the outline element of the scheme; the Environment Agency confirms that it has no comments.

## Other Matters

### Developer Contributions

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

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

Equivalent legislative tests are contained within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

### *Affordable Housing*

In accordance with the requirements of Local Plan Policy H4 for previously developed sites in the Coalville Urban Area, an affordable housing contribution of 5% is proposed (equating to 8 units (rounded up) if based on a total development of 144 dwellings). Having regard to the existing position with regards to affordable housing within the District (and the shortfall vis-à-vis the requirement set out in the HEDNA), it is considered that significant weight ought to be attached to the contribution that this development would make.

For its part, the District Council's Strategic Housing team advises that it would be seeking a tenure mix of 79% affordable rented and 21% intermediate housing (which, when applied to a development of 144 dwellings, would (when rounded up) equate to 8 no. dwellings) and comprising 4 no. 2 bed bungalows, 3 no. 2 bed houses and 1 no. 3 bed houses; whilst the amended illustrative layout does not show a range of affordable house types to reflect this, the applicant confirms it would be content for any Section 106 obligation to secure the affordable unit types sought by the Strategic Housing team. On this basis, the proposed development would be acceptable in respect of affordable housing matters.

### *Transportation and Accessibility Contributions*

These are as set out under Means of Access, Highways and Transportation Issues above.

### *Historic Environment*

These are as set out under Historic Environment and Design above.

### *Education*

In respect of the proposed education contributions, Leicestershire County Council (as Local Education Authority) comments as follows:

#### Primary School Requirements:

The site falls within the catchment area of All Saint's C of E Primary School. The school has a net capacity of 315 and 359 pupils are projected on the roll should this development proceed, a deficit of 44 pupil places (of which 35 would be created by this development). When having regard to existing capacity at four other primary schools within a two mile walking distance of the development (namely Belvoirdale Community, Hugglescote Community, Woodstone Community and New Swannington Primary Schools), this shortfall cannot be met elsewhere, and a request for an education contribution in respect of the additional deficit places created by the development within the primary school sector is made (£412,334.26), and would be used for improving, remodelling or enhancing existing facilities at All Saint's C of E Primary School (or any other suitable school within the locality).

**High School Requirements:**

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 809 pupils are projected on roll should this development proceed, a deficit of 219 pupil places. A total of 144 pupil places are included in the forecast for this school from Section 106 agreements for other developments in this area and are therefore discounted. This, the Local Education Authority advises, reduces the total deficit for this school to 75 pupil places (of which 15 would be created by this development). There is one other high school within a three mile walking distance (Castle Rock High School), but it also has a deficit, and a request for an education contribution in respect of the additional deficit places created by the development within the high school sector is made (£253,841.61), and would be used for improving, remodelling or enhancing existing facilities at Newbridge High School (or any other suitable school within the locality).

**Upper School Requirements:**

The site falls within the catchment area of King Edward VII Science and Sport College. The school has a net capacity of 1,193 and 1,378 pupils are projected on roll should this development proceed, a deficit of 185 pupil places.

However, having regard to existing capacity at the other upper school within a three mile walking distance of the development (Stephenson Studio School), there is an overall surplus of 143 places in this sector, and an upper school sector education contribution is not therefore requested.

The applicant is agreeable to making the education contributions sought.

*Library Services*

Leicestershire County Council advises that an additional 208 plus users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 500 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £4,350 towards library services is therefore requested by the County Council's Library Services team. The applicant is agreeable to making the library contributions sought.

*Civic Amenity*

Leicestershire County Council advises that an additional 39 tonnes of municipal waste are anticipated to be generated annually by the proposed development, and a contribution of £9,415 towards additional facilities at the Coalville Civic Amenity site is therefore requested by the County Council's Director of Environment and Transport. The applicant is agreeable to making the civic amenity contributions sought.

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

Policy IF3 of the adopted Local Plan requires the provision of open space, sport and recreation facilities in association with new development of 50 or more dwellings having regard to a number of factors.

Whilst the illustrative material submitted in respect of the residential element of the scheme indicates that areas of open space would be included (e.g. a proposed buffer to the adjacent employment site and SuDS features), the scheme does not propose the provision of any on-site play or recreational open space (i.e. within the residential development part of the site as a whole). However, the scheme would provide for a new children's play area in the eastern part of the site and, on the basis that this play area would be available for (free) public use in the normal way (and including by residents of the proposed residential development), this would be considered to represent a reasonable contribution. Similarly, given the extent of public

recreational open space in the vicinity (i.e. the Country Park), it is considered that no additional contribution would be necessary in this instance under Local Plan Policy IF3.

Insofar as National Forest planting is concerned, the National Forest Company notes that, for a development of this scale, 20% of the site would be required to be provided as woodland planting and landscaping and, whilst the scheme would fall short in this regard, the National Forest Company considers that proposed investment in the Country Park would off-set this shortfall, and no additional National Forest planting or financial contribution is sought.

Overall in terms of public open space and other green infrastructure, therefore, subject to the satisfactory provision of the measures proposed (and including ensuring that the proposed children's play area is operated in a manner whereby it is available for public use in the usual way normally required for residential development), the proposals are considered acceptable. Again, however, it is considered appropriate to enter into Section 106 obligations so as to ensure that the proposed housing does not come forward without other development forming part of the application (and including the proposed play and open space works).

#### *Healthcare*

West Leicestershire Clinical Commissioning Group (CCG) requests a developer contribution of £78,971.04 in respect of healthcare as set out in the consultation response above. This request has been supported by detailed information setting out the projected impacts on capacity arising from the proposed development (with the principal impacts being on the Whitwick Road surgery) together with commensurate costs of mitigation which, it is understood, would include potential extensions of the surgery to provide additional consulting / treatment rooms. The applicant is agreeable to making the healthcare contributions sought.

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

#### **Overall Planning Balance, Contribution to Sustainable Development and Conclusions**

As set out within the report above, the proposed development would conflict with Policy S3 of the adopted North West Leicestershire Local Plan which presumes against non-essential development within the countryside. It is however acknowledged that the harm arising in this instance would be limited to some degree by virtue of the relationship of that part of the site outside Limits to Development to existing built up areas and the accessibility credentials of the site (and, furthermore, would be outweighed by the scheme's benefits).

Having regard to the three dimensions of sustainable development, it is accepted that the proposals would sit well in terms of the economic role insofar as they would make a positive contribution to economic growth associated with the proposed development, the residential element would result in a New Homes Bonus for the local authority (identified by the applicant as being £1.1m over a five year period) and, subject to appropriate contributions to a number of local services being made, the scheme would be accompanied by the provision of infrastructure. However, this needs to be considered in the context of a reduced extent of proposed mitigation for the impacts on the local highway network compared with the figures suggested by the County Highway Authority and as set out in the District Council Cabinet report of January 2013, and any potential adverse impacts on the economic dimension arising from that shortfall. Nevertheless, given the viability constraints which appear to apply in this case, it is considered that the overall range of contributions proposed to be made would represent a reasonable approach.

Insofar as the social dimension is concerned, whilst the development would bring the benefit of providing additional housing, and whilst the need to boost housing supply is a key message of the NPPF, the District currently has a five year supply of housing land, and the weight to be afforded to the benefit of boosting supply as a material consideration ought to be adjusted accordingly. The scheme would, however, also deliver a 5% affordable housing contribution which would be a positive in respect of this dimension of sustainable development, and the scheme overall would include improvements to publicly accessible facilities (including associated wider enhancement of green infrastructure); it is considered that significant weight ought to be attached to this as a material consideration. Insofar as design issues are concerned, following amendment, the proposed development in the area surrounding the former colliery buildings would now be considered to perform relatively well in respect of the social dimension insofar as the requirement of creating a high quality built environment is concerned, and the proposed residential development has the potential to also do so subject to the provision of an appropriate scheme complying with the District Council's Good design for North West Leicestershire SPD at the reserved matters stage(s). In addition, the potential benefits in respect of cultural well-being (and, in particular, the potential for greater public engagement with heritage features), would be positive features in respect of the social dimension.

Whilst, in terms of the environmental dimension, the proposals have the potential to perform relatively well in terms of need to travel and the movement towards a low carbon economy (given the site's relationship to existing services), the proposals would result in the development of land identified as countryside (albeit impacts on the wider countryside beyond would be limited, and the site constitutes previously-developed land). Whilst there is also the potential for some adverse impacts in respect of the environmental dimension arising from the shortfall in contributions towards transportation infrastructure (as well as the economic dimension), for the reasons set out under the social role above, the scheme has the potential to perform well in respect of design (and, hence the environmental role's contribution towards enhancing the built environment) and, furthermore, would on balance be appropriate insofar as the aspect of protecting or enhancing the historic environment is concerned. As such, the scheme is considered to perform well overall in terms of this dimension of sustainable development.

On this basis it is considered that, overall, the proposals represent sustainable development and, subject to the imposition of appropriate conditions as summarised below, the scheme is considered acceptable, and it is recommended that planning permission be granted.

**RECOMMENDATION- PERMIT, subject the Local Planning Authority's advisors confirming overall agreement to the findings of the applicant's viability assessment, subject to Section 106 (or equivalent) Obligations, and subject to the following condition(s):**

- 1 Time limits
- 2 Submission of reserved matters (residential development)
- 3 Approved plans
- 4 Masterplan (residential development)
- 5 Clarification of number of dwellings (residential development)
- 6 Design Code (residential development)
- 7 Housing mix (residential development)
- 8 Landscaping (including future maintenance and management) (non-residential development)
- 9 Tree protection (non-residential development)
- 10 Construction traffic management plan
- 11 Site access / visibility (non-residential development)
- 12 Car parking (including provision of landscaping (and any amended layout required to accommodate this), materials of construction, and to ensure the parking is provided / retained) (non-residential development)
- 13 Cycle parking (non-residential development)
- 14 Clarification on works forming / not forming part of the application (non-residential development)
- 15 Details of play equipment and modular cycle track (non-residential development)
- 16 Flood Risk / Drainage
- 17 Contaminated land
- 18 Coal mining risk mitigation (residential development)
- 19 Noise mitigation
- 20 Ecology and biodiversity (including mitigation)
- 21 Archaeology
- 22 Proposed site levels (non-residential development)
- 23 Materials (including cladding of education building whilst retained on site) (non-residential development)
- 24 Details of hard surfacing (non-residential development)
- 25 Boundary treatment / fencing (non-residential development)
- 26 External lighting (non-residential development)
- 27 Limitation on café floorspace (non-residential development)