

Erection of a detached building for use as a leisure centre (Use Class D2) together with external landscaping, pedestrian accesses and parkland (including external trim trails and activity stations) associated parking and servicing areas alongside provision of a new vehicular and pedestrian site ingress/egress from A511 (Stephenson Way).  
Land Adjacent To A511 Stephenson Way Coalville  
Leicestershire

Report Item No  
A1

Application Reference  
19/01343/FULM

Grid Reference (E) 442537  
Grid Reference (N) 315238

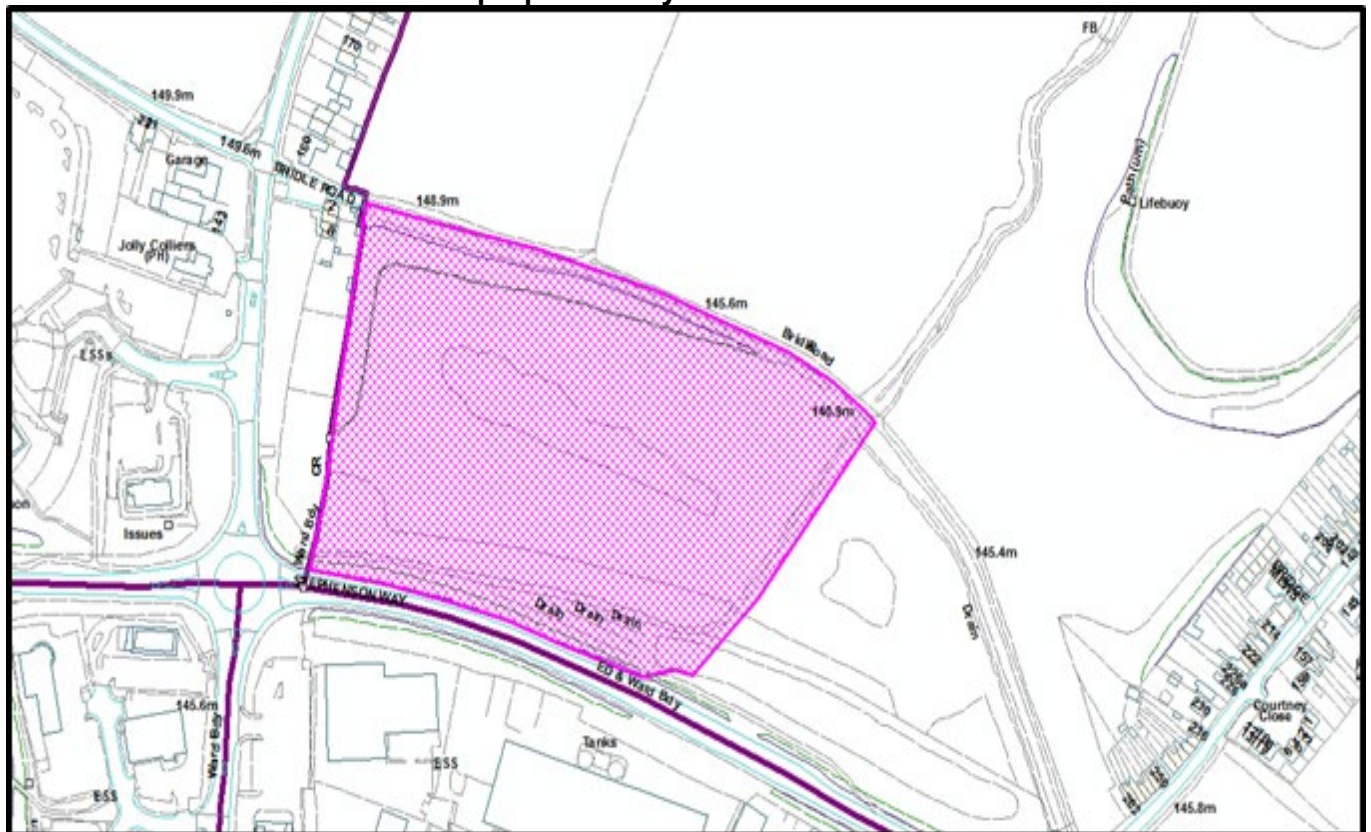
Date Registered:  
15 July 2019  
Consultation Expiry:  
7 October 2019  
8 Week Date:  
14 October 2019  
Extension of Time:  
None Agreed

Applicant:  
North West Leicestershire District Council

Case Officer:  
James Knightley

Recommendation:  
PERMIT subject to S106 Agreement (or equivalent)

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



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

### **Proposal**

This is a full application for the erection of a leisure centre and associated works (including access via the A511 Stephenson Way) submitted on behalf of the District Council.

### **Consultations**

Members will see from the main report below that objections have been raised by third parties in respect of, amongst others, the principle of development given the site's location within an Area of Separation, and the proposed use of a Combined Heat and Power Scheme within the leisure centre building. Whilst no objections are raised by statutory consultees in respect of the principle of development, at the time of preparing this report, further responses are awaited from some consultees in response to updated information submitted to address initial concerns previously identified in respect of technical issues (and as set out in more detail within the report below).

### **Planning Policy**

A number of National and development plan policies are applicable to these proposals. Of particular relevance is the application site's location within an Area of Separation as defined in the adopted North West Leicestershire Local Plan.

### **Conclusion**

The report below indicates that, whilst the site lies within an Area of Separation as defined in the adopted North West Leicestershire Local Plan, the impacts on the Area of Separation would be limited to a degree, given the extent of enclosure of the site and, when taking into account the need for and the benefits of the proposed scheme, the harm to the Area of Separation would be outweighed by the benefits of the scheme in the overall planning balance. In particular, the design is considered acceptable, and there are no technical issues that cannot be addressed.

### **RECOMMENDATION:-**

**PERMIT, SUBJECT TO THE COUNTY HIGHWAY AUTHORITY RAISING NO OBJECTIONS ON PLANNING GROUNDS, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

This is a full application for the erection of a new leisure centre on a site formerly forming part of a municipal golf course within the wider Hermitage Recreation Ground. Since the closure of the former golf course, the site has been used as an area of informal public open space.

The site is located to the northern side of the A511 Stephenson Way; Bridle Road (a public right of way (bridleway O8)) runs adjacent to the north of the site, and the eastern boundary is formed by the Grace Dieu Brook. To the west are areas of paddock and residential properties adjacent to Thornborough Road and Bridle Road. The site is, for the most part, grassed with a number of mature trees located around the periphery of the site, together with a copse towards its centre.

The central area of the site is relatively flat (albeit set slightly below the level of the A511), but rises steeply towards the north west, with Bridle Road following the top of the embankment up to its junction with Thornborough Road. The site does not currently have any direct vehicular access onto the network, and a new site access is proposed to be formed from the A511 via a new bridge over the Grace Dieu Brook. A separate pedestrian access would also be formed via Bridle Road.

The proposed principal building would (whilst not of a uniform shape) be of maximum approximate dimensions 120m by 60m and maximum height 13.6m above finished floor level (FFL), and would include the following facilities:

- 25m swimming pool (8 lanes)
- Learner pool
- Pool spectator seating
- Sports hall with 8 courts
- Wet and dry changing areas
- Café
- Climbing wall ("Clip and Climb")
- 3 squash courts (including viewing)
- Spa, sauna and steam room
- Health and fitness studio with approximately 120 stations
- Spin studio
- 2 multi-activity studios

Externally, the scheme would include an entrance plaza / shared "spill out" space, car parking, coach drop off / pick up, a "natural" children's play area, and landscaped areas (including trim trail equipment and multi-purpose activity stations).

The proposed building would be formed in two principal (and visually distinct) sections; the western end would accommodate the proposed swimming pool, and the eastern end the proposed sports hall. The two sections would be connected by a central area including the main entrance, reception and administration area, café, dry changing and squash courts.

The western section would include a curving aluminium roof with timber columns connecting to ground level. The eastern section would be more rectangular in form, finished in a decorative cladding with vertical timber columns. The curving aluminium roof is proposed to be of a green / blue coloured finish, intended to reflect the copper used in the construction of the nearby

Stephenson College building. The cladding to the eastern section would be installed vertically and is proposed to be of a "Slate Ebony" colour. Elsewhere, the building would include elements of grey stock brick and glazing, and including a principally glazed frontage to the central connecting element (and which would also incorporate timber columns and solar shading).

The application is brought to the Planning Committee for determination as the application is submitted by the District Council, and objections have been received in respect of it.

[NB In view of the position that the applicant is North West Leicestershire District Council, and the distinct roles of the District Council in the application as (i) the applicant and (ii) Local Planning Authority, the report below differentiates these roles by making reference to the applicant and the Local Planning Authority as applicable.]

## **2. Publicity**

9 neighbours notified

Site Notices displayed 18 July 2019

Press Notice published Leicester Mercury 24 July 2019

## **3. Summary of Consultations and Representations Received**

**Leicester-Shire and Rutland Sport** supports the application

**Leicestershire County Council Archaeologist** advises that further investigation work may be required

**Leicestershire County Council Ecologist** recommends amendments to the proposed landscaping scheme so as to improve the scheme's contribution to biodiversity enhancement

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

**Leicestershire County Council Highway Authority** - final comments awaited (and will be reported on the Update Sheet)

**Leicestershire County Council Planning** - no comments received

**Leicestershire County Council Rights of Way** - no comments received

**Leicestershire Police** makes a number of recommendations in respect of measures to reduce crime

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

**Severn Trent Water** - no comments received

**Sport England** supports the application

**Whitwick Parish Council** does not wish to comment on the application

### **Third Party representations**

Representations have been received from 4 individuals, making the following comments in respect of the proposals:

#### *Principle of Development*

- Site lies within an Area of Separation and would therefore conflict with Local Plan policy

#### *Climate Change / Plant and Machinery Issues*

- Use of a Combined Heat and Power (CHP) scheme with supplementary boiler would increase carbon emissions, would be contrary to District Council's policy of net carbon neutrality, would not provide best value for money for tax payers, and would leave the Council vulnerable to gas price volatility / security of supply
- Use of a mines water heat ground source pump and solar panels would be an appropriate alternative

#### *Other Issues*

- Queries whether Bridle Road and neighbouring properties' parking area would be resurfaced as part of the proposals
- Litter bins / litter monitoring should be provided
- Sufficient car parking space should be provided to ensure that customers do not overspill onto neighbours' parking areas
- Works should be carried out in such a way as to ensure no impact on horses in adjacent field
- Proposals would be a valuable amenity and should be implemented as soon as possible

[Full details of representations are available for inspection on the file.]

## **4. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework 2019*

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

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54, 55 and 56 (Decision-making)

Paragraphs 86, 87 and 89 (Ensuring the vitality of town centres)

Paragraphs 91, 92, 96, 97 and 98 (Promoting healthy and safe communities)

Paragraphs 102, 103, 106, 108, 109, 110 and 111 (Promoting sustainable transport)

Paragraphs 117 and 118 (Making effective use of land)

Paragraphs 124, 127, 128, 129, 130 and 131 (Achieving well-designed places)

Paragraphs 148, 150, 153, 155, 157, 158, 163 and 165 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 170 and 175 (Conserving and enhancing the natural environment)

Paragraphs 178, 180 and 181 (Ground conditions and pollution)

Paragraphs 189, 190, 192, 197, 198 and 199 (Conserving and enhancing the historic

environment)

Paragraph 206 (Facilitating the sustainable use of minerals)

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

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

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan and also lies within an Area of Separation. The following Local Plan policies are relevant to this application:

Policy S2 - Settlement Hierarchy

Policy D1 - Design of new development

Policy D2 - Amenity

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 En5 - Areas of Separation

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 / Guidance**

Good Design for North West Leicestershire Supplementary Planning Document (SPD)

Leicestershire Highway Design Guide (Leicestershire County Council)

Leicestershire Minerals and Waste Local Plan (Leicestershire County Council)

## **5. Assessment**

### **Principle of Development**

#### *Approach to Determination*

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.

Paragraph 11 of the NPPF provides that plans and decisions should apply a presumption in favour of sustainable development and that, for decision-taking, this means:

"... c) approving development proposals that accord with an up-to-date development plan

without delay; or

d) 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:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

Paragraph 12 of the NPPF provides that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

In effect, therefore, it is necessary to consider whether the development complies with the policies of the adopted Local Plan (when considered as a whole) and, if not, whether (in accordance with NPPF Paragraph 12), other material considerations indicate that planning permission ought to be granted (and whether Paragraph 11 subsections (c) or (d) are applicable). For the purposes of applying the tests in the NPPF, the view is taken that the adopted North West Leicestershire Local Plan is up-to-date.

#### *North West Leicestershire Local Plan Designation*

In terms of the site's status within the adopted North West Leicestershire Local Plan, it is noted that the site lies within Limits to Development, but that it is also within an Area of Separation.

Policy En5 sets out the approach to determination of proposals within an Area of Separation and, in detail, provides as follows:

*"(1) Land between Coalville and Whitwick, as identified on the Policies Map, is designated as an Area of Separation where only agricultural, forestry, nature conservation, leisure and sport and recreation uses will be allowed. Any other proposed uses will need to demonstrate why they cannot be accommodated elsewhere within the district.*

*(2) Development will not be permitted which, either individually or cumulatively, would demonstrably adversely affect or diminish the present open and undeveloped character of the area."*

By way of further clarification as to the purpose of the policy, Paragraph 10.42 of the Local Plan provides that *"It is important to ensure that individual settlements retain their own character and identity....in the Coalville Urban Area there are two large, open, undeveloped areas of land which are within the Limits to Development...but which perform a very important role in maintaining the physical separation between Coalville and Whitwick. Development in this area, if permitted, would result in the physical coalescence of Coalville and Whitwick and the loss of the separate identity of the two settlements"*.

In terms of part (1) of Policy En5 above, as a use principally in respect of sport / leisure and recreation, it is considered that this element of the policy would be complied with. Insofar as the second requirement (i.e. that the development would not adversely affect or diminish the present open and undeveloped character of the area) is concerned, assessment of this issue is

contained within Landscape and Visual Impact below. In terms of the Area of Separation generally, it is noted that there have been previous appeals determined in respect of other parts of the Area of Separation (and its predecessor Green Wedge designation), and including a decision from May 2017 in respect of a housing proposal at Hall Lane in Whitwick which had (albeit limited) regard to the then emerging Policy En5. However, the Inspector in respect of the Local Plan Examination (reporting in October 2017) made it clear that previous appeal decisions within the Green Wedge / Area of Separation were essentially site-specific and, as such, it is not considered that these decisions would have any direct implications on the determination of the planning application on this particular site.

In addition to the issues in respect of the site's location within an Area of Separation, the following matters are also considered relevant to the suitability of the site for the development in principle.

#### *Sport and Leisure Issues*

Paragraph 9.14 of the Local Plan sets out the importance of protecting and improving sport and recreational facilities. Paragraph 91 of the NPPF provides that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst others, enable and support healthy lifestyles, through the provision of safe and accessible sports facilities; Paragraph 92 states that planning policies and decisions should plan positively for the provision and use of community facilities such as sports venues. The NPPF's guidance on sustainable development identifies in particular the role of the social objective of sustainable development, and the need to provide for accessible services and open spaces that reflect current and future needs and support communities' health well-being. As such, there is clear local and National planning policy support for the provision of sporting facilities.

The application is accompanied by information setting out the requirement for the facility. In brief, this sets out that the process taken by the District Council in identifying the need. In particular, it sets out that a report was presented to the Cabinet in 2015 indicating that Hermitage Leisure Centre was reaching the end of its useful and viable life, having been built incrementally over its near 40 year lifespan and, as a result, identifying that it is not efficient and that it is inflexible in that it does not allow for the ability for operational change, to meet both current and future need for leisure provision. The supporting information also advises that Hermitage Leisure Centre (and the existing service offered at that location), already finds it increasingly difficult to accommodate the growing demand for leisure facilities and, when having regard to projected housing growth in the area, further investment will be required; the application proposals would, the submission indicates, not only accommodate current demand, but also future-proof the expected increase in demand for leisure facilities within the District.

A report commissioned by the Council from specialist consultants has, the application indicates, identified that a new-build leisure centre would provide the scope to transform significantly the quality of leisure provision for Coalville and the surrounding catchment and (depending on the location of the proposals), could also contribute towards regeneration of Coalville. It also concluded that investment in Hermitage Leisure Centre would only provide a short to medium term improvement in leisure facility provision in the District whereas a new build option could provide a longer-term solution for at least the next 40 years.

Attention is also drawn to a Retail and Leisure Capacity Study recently carried out on behalf of the Council (February 2019). This assessed the requirements for a range of retail and leisure land uses across the District, and including in respect of health and fitness clubs; in this regard it



identified that there is scope for an additional health and fitness facility in the District up until 2036. Whilst this had regard to the effects of an ageing population (and the reduced likelihood of those aged over 65 to use such facilities), it suggested that, with membership increasing year on year, this trend would be expected to counter-balance the effects of the aging population. As such, even when not having regard to the anticipated limited lifetime of Hermitage Leisure Centre, a general requirement for new facilities would appear to be supported by that study.

In view of the above, it is considered that the scheme would play an important part in helping to provide sporting facilities necessary to serve residents of the area, and to help the Authority achieve the aims of the NPPF (and, in particular, in respect of the social objective of sustainable development). It is noted that Leicester-Shire and Rutland Sport considers that there would be significant benefits arising from the proposals; for its part, Sport England considers the proposals to meet its objectives, and is supportive overall.

Local Plan Policy IF3, whilst aimed principally at securing open space, sport and recreational facilities in association with new housing development, nevertheless sets out requirements in respect of the loss of existing open space (and, in this case, there would be a loss of the existing informal recreational use of the site). Whilst this loss is acknowledged, it is also noted that it would be replaced by other (enhanced) sporting and recreational use, and landscaped areas would still remain available for walking etc. As part of its consultation response, Sport England notes the loss of this area as part of the golf course, but acknowledges it has been redundant for some time; in coming to this view, Sport England has consulted the relevant national governing body (Golf England), and which advises that the impact of the loss would be minimal. Whilst the area available for such informal recreational use would be reduced, it is considered that the overall impact in recreational terms would be strongly beneficial, and the harm arising from this reduction would be comfortably outweighed by the benefits.

#### *Town Centre Uses, Sequential Approach and Impact*

The proposed use is defined as a main town centre use within the NPPF. As such, the requirements of Local Plan Policies Ec8 and Ec9 which seek to support the vitality and viability of the District's town and local centres, together with Paragraphs 86, 87 and 89 of the NPPF, need to be considered.

Local Plan Policy Ec8 sets out that proposals for main town centre uses will be expected to be located within the District's town and local centres unless a sequential approach has been followed, and reflects National policy in Paragraph 86 of the NPPF. The proposed building would have a gross internal floorspace of 5,592sqm; under Policy Ec9 (and in accordance with Paragraph 89 of the NPPF), an impact assessment is required if the gross floorspace of a leisure development in the Coalville area (but outside of the identified town centre) would exceed 1,000sqm.

In support of the application, a sequential assessment has been undertaken, and identifies the site as "out of centre" in sequential test terms. Also, however, the agent draws attention to the wording of Paragraph 86 of the NPPF which requires the application of the sequential test to proposals for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. In this case, the agent argues that, as the *principle* of the use would accord with the provisions of Policy En5, the use itself would be in accordance with an up-to-date plan and, as such, the sequential approach would not strictly be required under the provisions of the NPPF. Whilst the NPPF does appear to differentiate (in town centre use terms) between different types of leisure use (and, specifically, referring to main town centre uses only including the more "intensive" sport and recreation uses (such as health and fitness centres)),

the point made is acknowledged. Whilst this does not change the separate Local Plan requirements for a sequential approach under Policy Ec9, it is also accepted that the Local Plan was adopted prior to the publication of the 2019 version of the NPPF. Regardless of this point, however, the agent has nonetheless provided information in respect of the sequential approach. In officers' view, whether or not the proposal accords with an up-to-date plan is also contingent on other matters (and as considered elsewhere in this report) and, as such, this reinforces the need to consider how the proposals perform in respect of the sequential approach.

In terms of the criteria applied, these include a number of factors, and including the ability of any site to be able to accommodate a range of sporting facilities of a minimum size together with an appropriate level of car parking (albeit it would appear reasonable to assume that, in the event that a sequentially preferable site were available, its closer proximity to the town centre and its associated public transport services would, to a degree, reduce the quantum of parking space necessary). Insofar as location of alternative sites is concerned, these include the following (and which have been discounted by the applicant for the reasons set out below):

*Bridge Road Car Park (town centre) - Unavailable and unsuitable*

- Site is currently in use as a town centre car park and retail purposes
- Site is too small to accommodate the application proposals, or a flexible form of them
- Site is a constrained town centre site which would preclude future-proofing of the leisure centre and future expansion (if required)
- Site is more problematic to deliver and could give rise to viability and cost concerns
- Owing to the constrained nature of the site any leisure centre development, at this location, would not deliver any of the other tangible benefits of the proposal (i.e. parkland destination)
- Site benefits from poor visibility and prominence
- The site remains the largest functional town centre car park within Coalville - the loss of this site would increase demand for town centre car parking whilst also reducing supply
- Significant concerns have previously been raised by a range of stakeholders in relation to this site including: unsuitable access, poor accessibility potential for conflict (pedestrian and vehicle) with other town centre users, no room for future expansion, limited value of linked trips, poor visibility and inability of site to deliver aspiration change in leisure centre provision
- A leisure centre at this location could not be delivered within a reasonable period of time

*Land at Cropston Drive (out of centre) - Unavailable*

- Site is out of centre (and therefore not sequentially preferable to the application site)
- A replacement leisure centre at this location would be far removed from the existing provision at Hermitage and would be much less likely to form tangible links with the town centre
- Site does not benefit from a high level of accessibility
- Part of the site is allocated for housing (which would be considered a more appropriate use)
- Majority of site is registered as an Asset of Community Value
- Land ownership and contamination concerns owing to previous uses

*Former Grieves Site (edge of centre) - Unavailable and unsuitable*

- Site currently comprises existing employment uses and quasi-employment uses
- Site has long standing developer interest and has been subject of recent planning history
- Site was considered as part of the wider feasibility work informing the preferred location for the leisure centre and was dismissed for a range of reasons including that alternative

- proposals were being pursued which did not include leisure
- The site is owned by a range of organisations and would require significant land assembly and mobilisation
- Viability of the site would be dependent on provision of a significant quantum of retail and commercial floorspace at this location and would be undermined by the inclusion of a leisure centre
- Potential contamination concerns

*Stenson Square Car Park* (edge of centre) - Unavailable and unsuitable

- Site is too small to accommodate the proposals or a flexible form of them
- Site is occupied by the District Council and there are no immediate plans for the Council to vacate the site.

*Former Ford Motor Dealership* (town centre) - Unsuitable

- Site is too small to accommodate the proposals or a flexible form of them
- There are no indications that the site is available with development proposals being progressed for the site.

*Hermitage Park Hotel* (edge of centre) - Unsuitable

- Site remains in use as a hotel.
- Site is too small to accommodate the proposals or a flexible form of them

Having regard to the above, the view is taken that, of the sites considered, all but the Cropston Drive site would be sequentially preferable given their relationship to the town centre. However, it is accepted that these sequentially preferable locations have been ruled out on reasonable grounds (and, in particular, in a number of cases in terms of their limited size and, hence, their ability to accommodate proposals of this scale). It is noted that the MHCLG's Planning Practice Guidance does not require that sites must be capable of accommodating the entirety of the identified need, but provides that it is appropriate to consider what contribution more central sites would be able to make individually to accommodate the proposal. However, in view of the limited scale of those alternative sites and the specific requirements of the proposed leisure centre, an appropriate form of alternative development with the various elements of the proposed leisure centre distributed between those various sites are unlikely to be considered successful from a practical point of view. Whilst some of the reasons set out would not be considered particularly relevant from a planning point of view, it is accepted that, even if non-planning reasons are set aside, each of the above sites would nevertheless be appropriately ruled out.

On this basis, the proposals are considered to meet the relevant requirements in respect of the sequential test as set out in the NPPF and Local Plan Policy Ec8.

Insofar as the impact test is concerned, the applicant's submissions identify two elements to potential impact on town centres, namely (i) direct impacts on other facilities in terms of lost trade / visitors; and (ii) indirect impact due to loss of leisure visitors to town centres, resulting from loss of linked purpose activities in the town (i.e. linked or combined shopping and leisure visits). In terms of other facilities considered, these include a range of similar type facilities within and beyond the District boundary (mainly private health and fitness clubs, but also including other public centres such as the Hermitage and Hood Park leisure centres), and also contains a detailed analysis of levels of demand. However, none of the facilities identified would fall within an existing town centre. The supporting information has also been presented on the basis that the proposed facility would, to a significant extent, simply replace existing provision at Hermitage (which, when taken into account, would result in a net increase in floorspace of only

1,300sqm approx.), thus limiting the impact effects in real terms. The supporting information also draws attention to the fact that, whilst out of centre, the proposed replacement site would be better related to an identified centre than the current leisure centre (i.e. Coalville town centre; Whitwick is not identified as a town or local centre in the adopted Local Plan).

In terms of the above it is accepted that, given the closure of Hermitage (and the resulting effective reduction in "new" floorspace), it is reasonable to conclude that impacts on other sporting facilities would be limited. Whilst the weight to be attributed to the residual effects on other sites would need to be limited to reflect their status as also not within a centre, it could remain the case that other (centrally located) facilities could be affected and, as such, it is considered that it would be appropriate to ensure that a mechanism exists (either by way of a condition or planning obligation, as deemed appropriate by the District Council's legal advisors) so as to ensure that any "overlap" between the closure of Hermitage and the opening of the new facility were only temporary. Similarly, such an approach would also be considered appropriate given that the justification for the need for the proposals is (in part) based on the anticipated closure of Hermitage.

Insofar as the impacts on other uses within existing centres (and on the centres generally) are concerned, given the specific nature of the use, limited impacts would seem likely (particularly so when taking into account that, given the location of other sports facilities, it is unlikely that a material reduction of "trips" to town centres would occur if customers were to use the new site instead of those existing facilities). It would clearly be preferable for such a facility to be centrally located as this would bring benefits in terms of, for example, linked shopping trips but, for the reasons explored in the sequential assessment, no such site would be feasible. In the event, it is also acknowledged that, whilst larger than the existing leisure centre at Hermitage, when compared to the facility the proposal would replace, the site is closer to an established centre (i.e. Coalville town centre) and, were there to be any linked trips by customers (albeit the number would be likely to be relatively low), the prospects of this happening would be enhanced vis-à-vis the existing position with respect to Hermitage. Overall, therefore, the view is taken that the proposals would not have any unacceptable impacts on existing centres, and would meet the aims of the NPPF and adopted Local Plan in this regard.

#### *Other Issues in Respect of Principle of Development*

It is noted that the NPPF contains encouragement for the effective use of land, and in particular by maximising use of previously-developed sites (Paragraph 117). Clearly the development of this greenfield site would not sit particularly well with this approach but, when having regard to the conclusions above in respect of the sequential approach, it is accepted that the scheme would not be unacceptable in this regard.

Also relevant to the suitability of the site's development is its accessibility (and including by modes of travel other than the private car). Further consideration to this issue is given in Means of Access, Highways and Transportation below.

#### *Conclusions in Respect of Principle of Development*

It is therefore concluded (subject to accessibility issues as set out in more detail below) that the principle of the development of the site for the use proposed would be considered acceptable. However, Policy En5 in particular sets out the approach to development within the Area of Separation, and this conclusion (and the assessment of the scheme's performance under that policy) is contingent on the scheme not adversely affecting or diminishing the open and undeveloped character of the area.

### **Landscape and Visual Impact and Area of Separation Issues**

As set out under Principle of Development above, the site is within an Area of Separation and, as such, is subject to Policy En5 of the adopted Local Plan. For the reasons set out, the use per se is considered to meet the requirements of Part (1) of En5. Insofar as Part (2) is concerned, this presumes against any development (including within those uses allowed for under (1)) which *"...either individually or cumulatively, would demonstrably adversely affect or diminish the present open and undeveloped character of the area"*. The policy presumes against any scheme that would adversely affect the present and open undeveloped character. It is acknowledged that the policy could be interpreted as meaning that any diminution would have to be simply a diminution of the present open and undeveloped character or, alternatively, that the diminution would have to be "adverse" in order to conflict with it (i.e. does the policy allow for a scheme to diminish the present and open undeveloped character if it is not in an adverse manner). For the purposes of robustness, however, the assumption is taken that simply resulting in a diminishing of the present and open undeveloped character would conflict with the policy, although it is accepted that an alternative interpretation whereby any diminishing of the Area of Separation's character would also have to be adverse to breach the policy would also be reasonable.

It would seem that any built structure would, by definition, reduce the *extent* of the undeveloped land within the Area of Separation (albeit it is the effect on *character* that is the critical criterion) and, in this sense, a diminution of the open and undeveloped character of the Area would seem inevitable where a building of any significant scale is proposed, meaning that literal full compliance with Policy En5 would seem difficult to achieve in such circumstances. However, this policy needs to be read in the context of the Local Plan as a whole and, it is considered, it is also appropriate to have regard to the other material considerations (and including other Local Plan policies) relevant to the proposals. Of particular significance in this case is considered to be the benefits arising from the provision of a new sport and leisure facility (and as set out in more detail within the relevant section above), and which will need to be considered as part of a balanced planning judgement.

In accordance with the recommendations set out in the Local Plan Examination report, and as part of its evidence base for the Local Plan review, the District Council has recently commissioned and published an Area of Separation Review, assessing the Area of Separation and the appropriateness of its current boundaries. This includes an assessment of individual parcels of land within the Area of Separation; in terms of the section within which the application site lies, the Review comments that it "provides an important physical separation between the adjacent industrial and commercial areas beyond the A511 to the west and south within Coalville and the open character of the remainder of the Area of Separation to the north-east", and that its "mix of open spaces and vegetated character provide an important contribution to restrict the influence of the character of Coalville and also help safeguard the more rural character between Thornborough Road and Hermitage Road". The Review also identifies that the parcel within which the application site lies makes a "notable" contribution to the open character of the Area of Separation.

The application is supported by a Landscape and Visual Appraisal (LVA) produced on behalf of the applicant, and which has specific regard to the impacts on the Area of Separation. This LVA has been assessed independently by landscape consultants engaged to advise the District Council in its capacity as Local Planning Authority.

The LVA identifies what the applicant's landscape consultants consider to be the site's Zone of

Theoretical Visibility identifying locations surrounding the site where, having regard to topography (but not taking into account intervening features such as buildings or vegetation), the locations from which the development would, in theory, be visible. This is then further refined to take into account those other existing physical features limiting actual visibility of the site, and a number of viewpoints within this zone are then considered. The LVA assesses both the landscape and visual impacts of the scheme and, in terms of the visual impacts, includes assessment of a total of 10 viewpoints.

Having reviewed the LVA, the Local Planning Authority's consultants consider that it provides a clearly structured and appropriate level of assessment of landscape and visual effects for a project of this scale and nature, using an appropriate methodology in accordance with the relevant guidelines produced by the Landscape Institute and the Institute of Environmental Management and Assessment.

#### *Landscape Character*

At a national level, the site lies within the Charnwood National Character Area; at the District level, the site is within the Urban / Urban Fringe landscape character type as identified within the National Forest Landscape Character Assessment. The Local Planning Authority's consultants agree with the LVA's findings that there would be a Negligible level of effect on this character type overall given it would affect a relatively small extent of it.

The Local Planning Authority's consultants had advised that the LVA does not provide levels of sensitivity, magnitude and effect on the site itself and the areas directly adjacent to the site, and that this should be provided by the applicant in order to assess the effects at a local level on landscape character. The Local Planning Authority's consultants consider that the effects on the site are likely to be Major at Year 1 but, with a robust landscape scheme, this could reduce to Moderate by Year 20, and that there would be a similar level of effect in the locations in close proximity where there are also views into the site. Effects on other character areas are agreed by the Local Planning Authority's consultants to be Negligible.

In terms of the issue in respect of levels of sensitivity, magnitude and effect raised by the Local Planning Authority's consultants, the applicant's consultants consider that sufficient information has been provided, and that there would be little additional benefit from providing further detail given that the conclusions would, they consider, be self-evident from elsewhere within the overall assessment. In response, the Local Planning Authority's consultants confirm that they disagree in this regard and consider that this issue ought to be addressed in the LVA. Whilst the Local Planning Authority's consultant's concerns over the methodology used are noted in respect of this issue, however, it is considered that, overall, any adverse impact in terms of landscape character resulting from the development would not be significant.

#### *Landscape Element Effects*

The Local Planning Authority's consultants agree with the LVA's findings that there would be Moderate (Neutral) effects on the established grassland and tree and shrub cover within the site, and a Moderate (Beneficial) effect on the individual trees. In coming to this view, the Local Planning Authority's consultants advise that this is partially due to the additional tree planting proposed as part of the scheme which helps offset the losses of trees and other vegetation.

#### *Area of Separation Effects*

The Local Planning Authority's consultants note that the submitted LVA implicitly accepts that the proposed major new building and associated infrastructure would reduce the openness of the Area of Separation given the extent to which the site would be perceived as developed. The LVA draws attention to the fact that the development would take place within a recreational

landscape (being part of the former golf course), and argues that the extent over which the development would be perceived within the wider Area of Separation would be limited.

For their part, the Local Planning Authority's consultants agree that the extent of visibility would be relatively localised to the south western corner of the Area of Separation, and that the extent of the effect would be reduced due to the way the buildings are proposed to be grouped close to the embankment to the rear of the site which, together with the existing tree belts, would provide enclosure of the scheme from a number of aspects. Nonetheless, the Local Planning Authority's consultants advise, there would still be an adverse local effect on the openness of the Area of Separation by the introduction of what they describe as a relatively large development and that the relative effects on the surrounding Area of Separation would be more effectively illustrated by the use of "wireframes" and further illustrations (as also mentioned for visual effects). Additional information to address this issue has been provided (including the requested wireframes), and the Local Planning Authority's consultants confirm that these help to demonstrate that the effect of the development on the Area of Separation would be relatively contained to areas adjacent to or in close proximity to the site.

### *Visual Effects*

Insofar as the 10 representative viewpoints referred to above are concerned, these are taken from the following locations:

- 1 Southern end of Thornborough Road
- 2 National Cycle Route 52 at the north eastern corner of the site (Bridle Road)
- 3 Public Right of Way O11 to the north of the site
- 4 Hermitage Recreation Ground
- 5 Public Right of Way O3 (Green Lane)
- 6 Hall Lane, Whitwick
- 7 Ivanhoe Way at Red Hill (junction of Rights of Way N34 and N36)
- 8 Hough Hill Road, Swannington
- 9 Snibston Country Park
- 10 Public Right of Way O12 between Swannington and Thornborough Road

In terms of these, the Local Planning Authority's consultants advise as follows:

- The greatest effects (Major adverse, reducing to Moderate as planting matures) would be from Viewpoint 2 and over a 400m length of Bridle Road which runs to the north the site; a similar Major adverse level of effect is also identified over right of way O8 (Bridle Road). A Moderate adverse effect would be experienced from right of way O11 (footpath to the north of the site) (Viewpoint 3). The Local Planning Authority's consultants agree with this level of identified effect, and which represents the locations that would be most affected in terms of sensitivity and magnitude of change.
- The effects from Viewpoint 1 on Thornborough Road are noted in the LVA as being Negligible; the Local Planning Authority's consultants consider the effects may be slightly higher (Minor) in the winter months with views into the car park (but that this would not be "significant" in Environmental Impact Assessment terms).
- There will be a localised High magnitude of change seen from the A511 where vegetation has been cleared at the access point into the site. This would be likely to result in a Moderate adverse effect for receptors along the road.
- From the remaining seven viewpoints (nos. 4 to 10), the effects are all identified in the LVA as either None or Minor; the Local Planning Authority's consultants concur with these identified levels of effects

The Local Planning Authority's consultants had advised that the scale and nature of the visual effects would be more fully illustrated by way of a "wireframe" image or photomontage from

some viewpoints (including Viewpoints 2 and 3 above, and at the break in vegetation along the A511); these have now been provided and, in response, the Local Planning Authority's consultants confirm they agree with the applicant's consultants in respect of Viewpoints 2 and 3.

In terms of the effects on residential receptors in the area, the Local Planning Authority's consultants consider that these would be limited, and with the most affected properties (including properties to the east of Thornborough Road and on Hermitage Road) experiencing only a Low magnitude of change.

*Other Comments from the Local Planning Authority's Landscape Consultants*

In addition to the specific matters assessed above, the Local Planning Authority's consultants make some more general comments on the proposals, including the following:

- A more robust landscape treatment should be provided to the north eastern corner of the proposed building to address the effects of tree loss in this area.
- Additional landscaping (including infilling of hedgerows) should be provided adjacent to Bridal Road.
- The submitted masterplan indicates a potential future 3G pitch and potential five-a-side pitches within the landscaped area to the east of the site; if introduced these would bring external lighting and additional adverse effects on the recreational routes proposed around the site in this location and on proposed and retained planting.
- The full scale of the proposals in relation to the landscaped areas needs to be clarified on the site sections.
- Further detail is required in terms of the proposed landscaping and public access across proposed rain gardens.
- Trees within a retained area of woodland proposed to be used as part of a high ropes course are still semi-mature and the compatibility with such a use should be clarified.

The above issues / concerns are noted; in particular it is considered that appropriate conditions would need to be imposed so as to ensure implementation of a fully detailed landscaping scheme. In terms of the advice regarding the suitability of existing trees for high ropes use, whilst it is acknowledged that inappropriate use of unsuitable trees for such an activity could result in damage to those trees, it is considered that this would essentially be a matter for the operator to satisfy itself that the activity could be carried out (and including in a safe manner) in this particular location. Insofar as the indicated potential future 3G and five-a-side pitches are concerned, these could (depending on what exactly were to be proposed) require planning permission, and any such future application would need to be considered on its merits.

*External Lighting*

Local Plan Policy D2 provides that proposals for external lighting schemes should be designed to minimize potential pollution from glare or spillage of light, that the intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

The application is accompanied by an External Lighting Impact Assessment, setting out the external lighting proposals associated with the development, and which include illumination of external areas such as car parks and pedestrian routes etc., and the various types of lighting equipment in question. The Assessment considers the proposed lighting design in accordance with Institution of Lighting Professionals guidance (and, under which categorisation, the Assessment identifies the site as being within Zone E2 (which includes rural, small village or



relatively dark urban locations)). Whilst it could be argued that (given the effect of the adjacent A511 and nearby commercial uses) the site could fall within Zone E3 (which includes medium district brightness areas such as small town centres or suburban locations), it is considered that the Zone E2 categorisation would be appropriate in this location, and would ensure the assessment was robust, and in particular given the existing relatively dark nature of the former golf course. The assessment also takes into account recommended lux levels as set out in of Society of Light and Lighting guidance in terms of the levels of illumination required to external areas such as car parks and pathways etc. (to ensure, for example, they are safe to use etc.).

The assessment identifies that, whilst the minimum levels of illumination for safe operation of the various external areas considered would be achieved, the impacts on the wider area would meet the relevant criteria in respect of Zone E2, with the relevant Zone E2 maximum sky glow upward light ratio and luminaire source intensity of the proposed scheme being below the maxima specified for this zone. Subject to the proposed lighting being installed and operated (including in respect of hours of operation) as specified in the submitted assessment, it is considered that the proposed development would be acceptable in this regard, and would comply with this element of Local Plan Policy D2. Similarly, the scheme would be considered to have no material adverse impacts on the character of the Area of Separation as a direct result of its illumination subject to the recommended mitigation being secured.

#### *Proposed Landscaping and National Forest Planting*

Following amendment, the proposed scheme includes:

- Retention of existing trees / woodland of 12,198sqm (25% approx. of the total site)
- Removal and replacement of existing trees of 5,875sqm (12% approx. of the total site)
- Proposed soft landscaping (but not including trees replacing existing trees) of 13,610sqm (28% approx. of the total site)

In other words, when putting the provision of replacement tree planting to off-set that proposed to be lost to the development to one side, an additional 13,610sqm (28% approx. of the total site) of landscaping would be provided. This would include trees / woodland, amenity grassland / wildflower meadow and rain gardens.

Local Plan Policy En3 sets out, amongst others, the need for new developments to contribute towards the creation of the National Forest. The National Forest Company comments that a minimum of 20% of the site would need to be provided as woodland planting and landscaping, and has requested clarification on the figure from the applicant. The applicant has responded to this request and, at the time of preparing this report, the further comments of the National Forest Company were awaited. However, on the basis of the above, it would appear that the minimum requirements would be exceeded; the National Forest Company's standards indicate that National Forest planting does not necessarily need to be in the form of tree planting, and a range of green infrastructure / habitat can be used to meet the requirement.

In terms of the detail of the proposed landscaping, the National Forest Company raises some concerns regarding the amount of maintenance the scheme will require, what it considers the somewhat "artificial" appearance of landscaping in an area identified on the plan as the location for future sports pitches, the position and landscaping around the natural play area (and its need to be visible / accessible, from the plaza. A number of other issues in respect of the types and disposition of landscaping are raised but, the National Forest Company considers, these could be addressed by way of an updated landscaping scheme (together with a landscape management plan) being secured by condition. Overall, however, the National Forest Company welcomes the inclusion of measures to create a National Forest character throughout the

development, and considers that the proposed landscaping scheme would help to create this character along with a design which encourages use of these outdoor spaces through the incorporation of footpath and cycle routes, "natural" play area and trim trail.

### *Impacts on Existing Trees*

The application is accompanied by a detailed Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement considering the implications of the proposed development on existing trees on the site. In summary, the submitted information sets out that, as a result of the development, a total of 9 individual trees and 8 groups (in whole or in part) would be removed. Of these, 7 individual trees and 3 groups would fall within Category C (i.e. trees of low quality and value, or less than 15cm diameter); the remainder of trees proposed to be felled are within Category B (moderate quality and value). Paragraph 175 provides that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient or veteran trees) should be refused; no ancient or veteran trees are present on the site.

In respect of this issue, the District Council's Tree Officer had sought clarification in respect of a number of matters identified within the supporting Arboricultural information, and amended details have now been received to address these. The Tree Officer had also suggested a number of amendments to the scheme including querying whether the earthworks and retaining structure to the rear of the building could be amended so as to retain more trees / vegetation along the northern boundary, and whether the path to the north western part of the site could be amended in design to reduce the extent of tree loss required by the development; similar concerns have been raised by the National Forest Company in respect of this area.

In response to the query in respect of the rear earthworks and retaining structure, the applicant's environmental consultants advise that the retaining structure was designed in consultation with the National Forest Company, with the final design chosen as it would be the most aesthetically appropriate at the base of a tree-covered bank. They advise that another option (precast concrete sections) would require removal of less of the bank, but that this would result in what they consider would be an unappealing vertical concrete face that would most likely require cladding in timber, adding significant cost to the project. They also comment that the trees growing on the bank are dense, pole stage ash trees growing at a very close density with minimal woodland structure, and that individual trees are of no merit and could in any event be lost to the effects of ash die back. As such, they consider it would be unreasonable to undertake significant engineering operations in order to retain trees with a very limited life expectancy. They also consider that new planting around the top of the new structure would be an opportunity to introduce new species to the current monoculture stand.

Insofar as the suggestions in respect of the footpath in the north western corner are concerned, the applicant's environmental consultants comment that a significant extent of changes to levels in this area (and required to form a pedestrian link suitable for all users) would require the loss of existing trees in this area and, again, comment that the extent of ash involved could mean they have a limited life expectancy in any event.

On the basis of the above, therefore, the enhancements suggested by the District Council's Tree Officer are not proposed to be incorporated into the scheme. However, whilst some mature trees would be lost as a result of the scheme, it is considered that, given the limited adverse impacts this would have in terms of the effects on the wider Area of Separation, the positive benefits of the scheme in other respects, and when having regard to the significant amount of new planting to off-set the loss, the view is that, on balance, the scheme would be acceptable in terms of its impacts on existing tree cover.

*Conclusions in Respect of Landscape and Visual Impact and Area of Separation Issues*

On the basis of the issues set out above, and when taking into account the advice of the Local Planning Authority's consultants in terms of the landscape and visual effects, and in terms of the effects on the Area of Separation, the view is taken that the proposals would (in the Local Planning Authority's consultants' view) have an adverse impact, albeit it is accepted that those impacts would be limited to a degree, given the site's location which results in it being largely enclosed.

Nevertheless (and insofar as the second criterion within Local Plan Policy En5 is concerned), it is considered that the proposals would unavoidably have some adverse effect on, and / or diminish the present open and undeveloped character of, this part of the Area of Separation. As such, there would be some conflict with the policy. However, given the above conclusions, it is also acknowledged that the degree of harm arising would not, in this case, result in unacceptable impacts when balanced against other clear benefits of the proposals as set out in this report, and when considered in the context of the policies of the Local Plan as a whole (and including the fact that the use in principle complies with Policy En5).

**Design and Layout**

The need for good design is set out within Policy D1 of the North West Leicestershire Local Plan, together with the Good Design for North West Leicestershire SPD and relevant sections of the NPPF and Planning Practice Guidance. In particular, the Good Design for North West Leicestershire SPD requires development to contribute towards creating or reinforcing local distinctiveness and identity, and indicates that developments located within the National Forest will be strongly encouraged to reflect the principles and ethos of the Forest through:

- Green infrastructure;
- Building performance (i.e. more environmentally responsible buildings); and
- The selection and use of materials such as timber (including in particular in construction, in both a structural and non-structural manner). In addition, Local Plan Policy En3 requires that new development enhances the character of the National Forest through incorporating a National Forest or locally inspired character.

The application is supported by a Design and Access Statement explaining the applicant's rationale for the scheme as proposed, and setting out the principal design considerations. The scheme has been the subject of extensive pre-application discussions in respect of design issues resulting in significant changes to the scheme. In accordance with the approach endorsed in Paragraph 129 of the NPPF, the pre-application process has included design review (provided by Opun, the organisation responsible for the East Midlands Design Review Panel). Paragraph 129 also provides that, in assessing applications, Local Planning Authorities should have regard to any recommendations made by design review panels.

Further to the pre-application design review process, Opun has written to the Local Planning Authority setting out its involvement in the process and confirming that it has assisted by offering ongoing advice to the Council and applicant as the scheme has evolved. Opun is pleased that the advice has supported the progression of the scheme, for example the location of the leisure centre within the site, ensuring connections to the site for users, and undertaking a landscape led approach in the master planning of the site which has formed a fundamental part of the design concept of a leisure centre within a country park setting, a destination in its own right.

At the pre-application stage, the applicant was encouraged to consider the provision of a western pedestrian access (i.e. in the vicinity of the A511 / Thornborough Road junction) so as to enable pedestrians approaching the site from this direction (and including those walking to the site from the town centre direction via Thornborough Road) to access the site in a more direct manner (and by making use of a pedestrian crossing over the Grace Dieu Brook and a direct pedestrian route across the car park towards the proposed building's main entrance). Whilst the applicants have not been able to provide such a connection, there are considered to be a range of pedestrian access routes to the site from the bridleway in the north east and north western corners and from the main vehicular access to the site from the A511. It is also noted that the proposal includes for an internal perimeter path along the majority of the site boundaries. Pedestrian connectivity is therefore considered to be acceptable.

Insofar as materials of construction for the building itself are concerned, the applicant had been advised during the pre-application stage that real timber be considered for use on the external surfaces of the sports hall element of the building in lieu of the timber effect cladding proposed by the scheme's design team to reflect the National Forest setting of the building. However, the Design and Access Statement indicates that the proposed cladding is made from up to 70% natural fibres sourced from sustainable forests and has a low maintenance requirement and that this approach has been taken as a result of concerns over long-term maintenance and detailing issues associated with natural timber cladding.

As a result of concerns expressed at the pre-application stage about the proposed use of the timber effect cladding, a number of amendments were made to the scheme to incorporate natural timber elements to the external elevations. As such, the National Forest Company comments that while the proposed cladding is not timber cladding, it nevertheless accepts that this would be a low maintenance alternative and which would incorporate a high proportion of natural fibres. The National Forest Company has also confirmed that they are pleased to see that the building has also adopted a National Forest character through its sustainable design and use of materials. The National Forest Company welcomes the aspiration to meet a BREEAM "Very Good" standard. The choice of timber as a feature element, on the front elevation pillars, the projections off the pool roof and on the sports hall elevation are all welcomed and the National Forest Company has indicated its willingness to work with the Council on incorporating timber and a National Forest feel to the interior of the building. Insofar as the roof of the proposed pool element is concerned, this is proposed to be of a green / blue coloured finish, picking up on the copper finish used on Stephenson College. Whilst the effect of the materials could result in quite a bright finish to the roof, on the basis of the samples provided, it is considered that the roof would still sit well within the woodland setting, and would not result in any unacceptable impacts on the amenities of the immediate area and the wider landscape, nor would it result in any additional impacts on the Area of Separation to those identified under the relevant section above.

Overall, it is considered that the design of the building is of a high quality modern design and together with other elements of the scheme (including, for example, the extensive landscaping and natural play area), it is considered that the scheme would be successful in terms of achieving a National Forest-related character.

As such, the scheme is considered to perform well against the requirements of local and national policies in respect of design and National Forest character, and including Policies D1 and En3 of the North West Leicestershire Local Plan, as well as the policies set out within the Good Design for North West Leicestershire SPD.

## Ecology

Policy En1 of the North West Leicestershire Local Plan presumes in favour of development that would conserve, restore or enhance biodiversity, and that proposals that would result in significant harm to a number of protected sites or areas will be refused unless that harm is unavoidable, and can be mitigated or compensated for; similar principles are set out in Chapter 15 (Conserving and enhancing the natural environment) of the NPPF.

The application is accompanied by a Preliminary Ecological Appraisal and an Ecological Management Plan. The appraisal identifies that the closest statutorily designated sites of nature conservation interest to the application site are approximately 1.9km from the site (being the Coalville Meadows and the Grace Dieu and High Sharpley Sites of Special Scientific Interest (SSSIs)); no other statutory sites are located within 2km of the site. Insofar as non-statutory designations are concerned, the appraisal identifies a total of 10 Local Wildlife Sites within 1km of the site (and with the nearest being the Coalville Nature Alive Local Wildlife Site, 318m from the site. In terms of habitats on the site, these are identified as including amenity grassland, plantation broadleaved woodland, semi-natural broadleaved woodland and tall ruderal habitat (associated with the Grace Dieu Brook).

In terms of the impacts of the proposed development on these habitats, the appraisal indicates as follows:

- Portions of the amenity grassland would be lost to the construction in the short term, and to the footprint of the development - the amenity grassland is considered to be limited value to wildlife and its loss is considered insignificant
- Whilst the proposals include the retention of the plantation broadleaved woodland and semi-natural broadleaved woodland, some "minor felling" of trees would be required to facilitate development
- The tall ruderal habitat is proposed to be retained

Insofar as the effects upon wildlife are concerned, the appraisal identifies these (and the appropriate mitigation) as follows:

### Amphibians:

The appraisal identifies that the habitats on the site are considered to provide suitable habitat for foraging, sheltering and hibernating amphibians; the approach to be taken in the event of any amphibians being encountered during works is set out in the appraisal document.

### Badgers:

The appraisal confirms that no setts were identified on the site but, given the mobility of the species, mitigation in terms of construction practices is recommended (including treatment of any deep excavations).

### Bats:

The woodland habitats along the site boundaries are proposed to be retained, and the appraisal indicates that it is likely that local bat populations may use the site for foraging and / or commuting. In view of this, the appraisal recommends that lighting along the boundaries be minimised to a value of 1lux or lower at the edge of the woodland habitats and along the watercourse (and which would appear to be complied with in the details submitted in respect of external lighting (and as discussed above)). The appraisal also recommends enhancements in respect of bat habitat, including provision of bat boxes within the site's woodland.

### Birds:

Although redevelopment of on-site habitats and infrastructure would result in the loss of some

potential foraging and nesting habitat for bird species, there are, the appraisal states, "abundant" alternative habitats available in the retained woodland and scrub, and within the wider landscape. As such, the appraisal indicates that loss of the existing habitats would not be considered to be of significance in this respect. Recommendations are also made in respect of timing of works in relation to nesting season and, in terms of enhancements, provision of bird boxes within the site is proposed.

**Water Voles:**

The appraisal notes that the construction of the proposed vehicular access bridge over the watercourse has the potential to harm water voles or their burrows. Whilst none were identified on site during the survey, the appraisal acknowledges that they are mobile species, and could subsequently occupy the site at any given time. Recommendations are therefore made in respect of the procedures to be followed in the event that any are encountered during construction.

The submissions have been considered by Leicestershire County Council's Ecologist. The County Ecologist confirms that no objections are raised to the proposals in principle, and that the development is considered to represent a net biodiversity gain which is welcomed. In terms of the detailed layout, however, the County Ecologist had considered that the originally proposed car parking adjacent to the watercourse (and which would involve loss of vegetation) would be inappropriate. Concerns were also raised in respect of the disposition of proposed wildflower and amenity grasslands planting (in terms of future maintenance difficulties), the use of new woodland planting rather than wildflower meadow (which is considered to offer more biodiversity benefits), the potential loss of wildflower planting to the potential future pitches identified on the submitted plans, and the need to minimise lighting impacts.

Further to the receipt of the County Ecologist's concerns, amended plans have been received showing the relocation of the previously proposed parking adjacent to the watercourse, together with an amended arrangement of proposed wildflower and amenity grasslands planting and supplementary information to address the comments made. In terms of the substitution of woodland planting with wildflower planting, the agent draws attention to a potential conflict in this respect in terms of meeting National Forest planting requirements. In response, the agent advises that woodland has now been omitted from areas which may be used for future playing pitch provision and, in accordance with the advice received from the National Forest Company, existing woodland is proposed to be retained wherever possible. The agent also confirms that, where appropriate, small areas of incidental areas of woodland planting are now proposed to be substituted with wildflower grasses.

Following this updated submission, further comments have been received from the County Ecologist. In particular, the County Ecologist welcomes the amended parking arrangement, and confirms that she is content in terms of the impacts of the proposed external lighting following the receipt of additional information in respect of this issue. Nevertheless, the Ecologist still has remaining concerns regarding the extent of wildflower planting, and considers that further wildflower planting in lieu of tree planting should be provided. The ecologist also objects to the use of *Tilia cordata* (small-leaved lime) and *Acer pseudoplatanus* (sycamore), and suggests alternatives considered more appropriate.

The unresolved concerns of the County Ecologist are noted. However, it would appear that these concerns relate primarily to the detail of the landscaping scheme and the extent to which the scheme would contribute to biodiversity enhancement, and it would clearly be beneficial in this regard to seek to maximise the benefits as far as possible whilst still providing an

appropriate extent of National Forest planting (albeit it is also noted that National Forest contributions can also be in terms of other types of habitat, and not necessarily tree planting), and an appropriate degree of landscaping and the screening this would provide. In view of this, it is considered that any unresolved concerns could be appropriately addressed as part of the detailed landscaping proposals and, subject to the imposition of suitably-worded conditions so as to secure this as well as the other ecological mitigation identified, the scheme would be considered acceptable in ecological terms, meeting the requirements of Local Plan Policy En1, providing suitable mitigation for the habitat affected and appropriate measures for biodiversity enhancement. The County Ecologist also recommends amendments to the submitted Ecological Management Plan; again, these are considered capable of being addressed by way of condition.

### **Historic Environment**

Policy He1 of the North West Leicestershire Local Plan sets out the approach to assessing the impact of development on heritage assets; similar principles are set out in Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

There are no designated heritage assets (including listed buildings or Conservation Areas) considered to be impacted upon by the proposals.

Insofar as non-designated heritage assets are concerned, the application is accompanied by an Archaeological Desk Based Assessment. This assessment identifies that the site has:

- High potential for the presence of Prehistoric activity, given the recovery of a large number of flint implements as a result of past investigations within the immediate vicinity of the site;
- Moderate to high potential for Roman activity given the possible Roman Road running along the route of the present Coalville High Street, previous finds of Roman pottery to the north-west of the site, and a probable settlement to the west moderate to high for the Roman period; and
- Low potential for all subsequent periods (including the Early Medieval, Medieval and Post-Medieval periods), particularly given the principally agricultural uses of the site during these periods, some distance from the medieval settlement of Whitwick.

Whilst the assessment identifies that the proposed development would impact on any preserved archaeological deposits within the site, it indicates that this could be mitigated by the implementation of an archaeological evaluation to identify the presence or absence of archaeological activity.

Paragraph 197 of the NPPF provides that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The County Archaeologist has forwarded a copy of written scheme of investigation for a geophysical survey provided direct to the County Council, and advises that, depending on the outcome of that geophysical survey, it may provide adequate indication of the archaeological potential of the development area (and, if not, a further phase of trial trenching would be required).

Subject to the outcome of the proposed geophysical survey (and the further advice of the County Archaeologist in response to that, including any conditions subsequently recommended), and subject to the implementation of the recommended mitigation as set out

within the submitted Archaeological Desk Based Assessment (and, as a result, the limited harm to the significance of any non-designated assets), the proposed development would be acceptable in terms of its impacts on heritage assets and would comply with the principles set out in Local Plan Policy He1.

### **Flood Risk and Drainage**

Policy Cc2 of the North West Leicestershire Local Plan sets out a number of criteria in terms of flood risk against which proposals will be considered. Policy Cc3 sets out the requirements for the implementation (and management / maintenance) of Sustainable Drainage Systems (SuDS). The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy, setting out how the site is proposed to be drained, and assessing the existing flood risk to the site along with any resulting flood risk associated with the proposed development.

Insofar as fluvial flood risk is concerned, whilst the Grace Dieu Brook passes through the site, the Environment Agency flood zone maps indicate that the site lies within Flood Zone 1 (i.e. less than a 1 in 1,000 annual probability of river or tidal flooding in any one year) and, on this basis, the site is considered to pass the sequential test.

In terms of foul sewage, it is proposed to connect to an existing combined sewer crossing the site. Insofar as surface water is concerned, part of the site is identified as falling within an area at low risk of surface water flooding. The application documents indicate that the existing surface water flood risk will be mitigated by regrading the levels in the southern part of the site, together with the creation of a new flood storage area in the eastern part of the site with sufficient volume to negate any off-site impacts from the development. It is proposed that the development's surface water run-off be discharged to the Grace Dieu Brook at greenfield rates via a SuDS train including rain gardens and permeable pavements to capture and treat run-off water. In addition to the proposed rain gardens and permeable pavements, a storage tank is proposed to accommodate the storm water volume in the critical 1 in 100 year plus 40% climate change event.

For its part, the Lead Local Flood Authority (LLFA) advises that it welcomes the SuDS measures proposed. Whilst, the LLFA advises, it would require further calculations to demonstrate the viability of the proposed attenuation volumes, it considers that these matters can be addressed by way of condition, and raises no objections.

The scheme is therefore considered acceptable in terms of flood risk and drainage issues, and (subject to the detailed drainage schemes to be agreed under condition) would meet the requirements of Local Plan Policies Cc2 and Cc3.

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

Policies IF1 and IF4 of the adopted North West Leicestershire Local Plan set out, amongst others, the relevant requirements of new development in respect of its accessibility, and its impacts on highway safety and the infrastructure of the wider highway network; the application is accompanied by a Transport Assessment assessing such issues (and which also indicates that a Travel Plan is proposed to be provided prior to occupation). In terms of vehicular access, the submitted scheme shows a left in / left out only access directly onto the A511; this proposed access has been the subject of a Stage 1 Road Safety Audit (RSA). Pedestrian access would be available via this route, or via Bridle Lane, to the northern side of the site.



*Site Accessibility*

In terms of the accessibility of the site generally, the building entrance would be located approximately 1km (via the shortest walking route) from the town centre of Coalville (as defined in the Local Plan) (Memorial Square); the closest part of the town centre on Whitwick Road would be a walk of approximately 1.1km. Insofar as accessibility for cyclists is concerned, it is noted that the A511 and Whitwick Road have dedicated off-road cycle routes, with the Whitwick Road route forming part of National Cycle Route 52, allowing for traffic-free cycle routes to the eastern end of the town centre; Route 52 then continues to the western end of the town centre via the Belvoir Centre car park. Bridle Road is not only a public right of way, but also forms part of Route 52, providing further connections to Whitwick and other settlements to the north of the site. In terms of public transport accessibility, the closest bus stops are on Thornborough Road, close to its junction with Bridle Lane; these are served by bus routes, providing (generally) two services per hour (one per hour on Sundays) between Leicester and Burton upon Trent (via Coalville town centre), and an hourly service to East Midlands Airport and Nottingham. To the eastern end of the site (Hermitage Road), hourly services run between Coalville town centre and Loughborough / Leicester.

Whilst the site is approximately 1km walk from the town centre, given the findings of the sequential approach set out under Principle of Development above (and, in particular, the lack of any other suitable more centrally-located sites), it is acknowledged that this issue would not weigh significantly against the proposals in this instance. Furthermore, it is considered that the site is very well served by cycle routes and public transport and, overall, notwithstanding the site's location away from the town centre, the site is considered to perform reasonably well in terms of accessibility by modes of travel other than the private car. Whilst a significant proportion of users would nevertheless still be expected to access the site by car, a good choice of transport would be provided (and as per the approach encouraged by the NPPF (Paragraph 103)). In terms of the site accessibility, the County Highway Authority notes the presence of the existing public transport services but, in order to maximise future employees' opportunities to travel by more sustainable means, seeks to secure contributions towards travel packs and six-month bus passes. Such measures would be in accordance with the County Highway Authority's usual requirements, and it is considered would be appropriately secured by way of a Section 106 (or similar) obligation. The County Highway Authority also comments that a travel plan would also usually be required for a development of this scale and, whilst not provided as part of the application documentation, the County Council confirms that, in this case, it would be content for such a plan to be a pre-occupation condition of the development. The County Highway Authority also confirms that it would seek the payment of an appropriate Travel Plan monitoring fee; again, this would be in accordance with the County Highway Authority's usual requirements.

*Impact on the Wider Highway Network*

To identify the level of traffic generation associated with this development, the applicant has interrogated the TRICs database. The County Highway Authority notes that the trip generation calculation has been undertaken using an older version of the database but, having interrogated the latest version of the database itself, the County Highway Authority is content that the trip generation supplied by the applicant is robust, and suitable for use. In considering the impacts of the proposed development in terms of trip generation etc., the County Highway Authority has taken into account the intention for the development to replace (and expand upon) the existing Hermitage Leisure Centre and, thus, a proportion of the traffic which the new development would attract would not be "new" trips on the network per se. In terms of the likely trip distribution and assignment, the applicant has had regard to existing postcode data from the Hermitage Leisure Centre; the County Highway Authority considers that the submitted trip distribution and assignment is robust. As per the recommendations in respect of the need for

the development and the sequential approach set out above, given the assumptions made by the County Highway Authority in terms of trip generation, it would again be considered appropriate to ensure that the use of Hermitage would not continue indefinitely following the opening of the new facility.

In terms of the required junction capacity assessments, the County Highway Authority has raised concerns over the absence of relevant data within the submitted Transport Assessment; in response to this concern, further information has been provided, and the County Highway Authority's updated advice on its suitability is awaited.

Notwithstanding the above, however, the County Highway Authority comments that, in collaboration with the Local Planning Authority, the County Council has an evidenced understanding of the cumulative effects of development on the highway network within the Coalville area, and that a significant mitigation package of network improvements is planned to safeguard against rates of deterioration and optimise traffic flow, whilst maintaining safety, on the A511 (with the measures involved including walking, cycling, and bus service improvements, as well as highway link and junction improvements). The County Highway Authority therefore advises that a contribution to the continuation and implementation of improvements to the A511 is required. Such contributions have been sought elsewhere along the A511 corridor for a range of residential and non-residential developments in recent years, and would be considered appropriate, and in accordance with the requirements of Local Plan Policy IF4 (and which makes specific reference to the need to mitigate impacts to Junctions 22 and 13 of the M1 and A42 respectively, and to the A511 corridor between those junctions). Having regard to similar off-site transportation contributions sought towards improvements within the wider Coalville area in respect of other non-residential developments, it is considered that a contribution of £260,107 would be appropriate; the applicant and County Highway Authority are content with this figure.

#### *Site Access and Highway Safety*

The County Highway Authority draws attention to Policy IN5 of the Leicestershire Highway Design Guide which provides that it will normally seek to restrict new accesses for vehicles and the increased use of existing accesses on roads with a speed limit above 40 mph (or where measured vehicle speeds are in excess of 40mph; the A511 at this location is subject to a 50mph speed limit with a 10m wide carriageway, with single eastbound and westbound traffic lanes separated by road hatching. In accordance with pre-application advice given by the County Council, the applicant has provided supporting information to demonstrate why accessing this site via a new access onto the A511 is the only viable option. The Transport Assessment considers a total of seven access options into the site from various directions, and rules them out on what are considered reasonable planning and highways grounds; the County Highway Authority accepts its conclusions.

As set out above, the proposed vehicular access takes the form of a simple left in / left out arrangement, and has been subject to a Road Safety Audit. Whilst not raising objections per se, the County Highway Authority has advised that amendments be made in respect of the proposed arrangement of a proposed tactile crossing to the combined footway / cycleway, and has also sought clarification as to whether any existing highway trees are sited for removal (and, if so, advises that it would seek suitable compensation to replace these assets). An amended plan has been submitted in response to the County Highway Authority's comments, and its further views awaited. Insofar as the potential impact on trees in terms of their status as County Council assets is concerned, it is considered that this, in itself, would not be a planning matter. The *planning* issues arising from the impacts on existing trees are addressed elsewhere in this report, and would not be considered to include any compensation / financial implications arising

as a result of any affected trees falling within highway land. The County Highway Authority's concerns in this respect would not seem to be matters relating to the safe and efficient operation of the public highway as of such and would, rather, appear to relate more to the County Council's position as "owner" of any such trees (and its desire to achieve what it considers to be suitable compensation for the loss of County Council assets). As such, these concerns would not be material planning considerations, and any issues ought more properly to be addressed directly between the applicant and Leicestershire County Council.

In terms of other road safety matters, the County Highway Authority notes that a five-year collision analysis has been undertaken as part of the Transport Assessment based on statistics provided by the County Council, and there have been no reported collisions in the immediate vicinity of the proposed site access location. Whilst there have been "slight" collisions recorded at the nearby roundabout junctions, the County Highway Authority does not consider that an existing road safety issue would be exacerbated by the proposed development.

#### *Internal Layout*

The County Highway Authority advises that, for D2 land uses with the gross floor area proposed, a maximum of 250 standard car parking spaces and 14 disabled car parking spaces should be provided. The amended site layout shows a total of 251 spaces (of which 19 would be accessible parking), and would be considered to be acceptable when considered against the relevant standards; the County Highway Authority considers the proposed parking to be appropriate, and also welcomes the inclusion of the four electric charging point spaces included within the overall parking figure above. Insofar as cycle parking is concerned, the County Highway Authority draws attention to the relevant standards, and requests clarification of the amount proposed.

In terms of other internal layout matters, the County Highway Authority notes that, whilst swept path analysis has been submitted showing a coach entering and exiting the highway, no such analysis has been provided showing the coach navigating the car park and drop off area in a forward gear, and has requested this be submitted.

#### *Conclusions in respect of Means of Access, Highways and Transportation*

Local Plan Policies IF1 and IF4 set out, amongst others, the relevant requirements of new development in respect of its accessibility, its impacts on highway safety and the need to ensure the provision of suitable infrastructure (including transportation infrastructure) necessary to accommodate it. As set out above, the site is considered to be reasonably accessible by means of travel other than the private car and, in principle, the County Highway Authority raises no objections to the scheme. However, the County Highway Authority has requested additional information in respect of a number of matters; subject to the provision of this, and subject to the County Highway Authority confirming it has no objections on material planning grounds, it is considered that the proposals would meet the requirements of Policies IF1 and IF4.

#### **Neighbours' Amenities**

In terms of amenity issues (and the scheme's performance in respect of Policy D2 of the adopted North West Leicestershire Local Plan), the application is accompanied by a Noise Assessment which identifies the noise impacts of the scheme on nearby residents, including in respect of plant and machinery, noise from the activities within the building, and road traffic noise.

Insofar as plant and machinery is concerned, the assessment has been undertaken on a "worst-case" scenario in terms of the location of the proposed plant in relation to the nearest residential

properties. It provides that, during the daytime, the calculated rating level would be approximately 19dB below the measured background sound level and that sound levels would fall below the BS8233 criteria for living rooms and bedrooms during the daytime, indicating that an adverse impact at the nearest receptor would be unlikely. In terms of night-time, the rating level would be approximately 9dB below the background level and sound levels would fall below the BS8233 criteria for bedrooms during the night-time. The assessment has also been undertaken without regard to the proposed siting of the plant behind a metal screen which would, the assessment notes, provide additional mitigation.

In terms of noise from within the building, whilst the assessment provides that the precise nature of activities' noise levels would be unknown at this time, an assessment has been undertaken on an assumed value of 90dB(A) (based on other similar facilities). When applying this figure, this results in noise levels below the relevant daytime and night-time background noise levels; the assessment also draws attention to the further limiting effects provided by the proposed hours of use (0630 - 2230).

Insofar as traffic noise is concerned, the assessment indicates that the change in traffic levels associated with the development would be 0.1dB which, the assessment suggests, would represent "no change" in terms of the criteria for assessing noise implications from traffic as set out in the Design Manual for Roads and Bridges.

In terms of the impacts on neighbouring occupiers arising from the proposed building itself, whilst the building would be of some scale, given (i) the distance of the proposed building from residential properties (in excess of 80m from the nearest residential curtilage); (ii) the extent of retained vegetation; and (iii) the relative land levels involved, it is considered no material harm to neighbours' amenities by way of overdominance, loss of light or overlooking would result.

Insofar as potential odour issues are concerned, no assessment of this issue has been provided with the application. However, it is considered that the details of any required equipment in this regard could be addressed by way of condition.

Issues in respect of lighting impacts are addressed elsewhere in this report.

On the basis of the above, therefore, it is considered that the requirements of Local Plan Policy D2 would be met (insofar as it is applicable in respect of noise and other residential amenity issues); no objections are raised by the District Council's Environmental Protection team in respect of neighbouring residents' amenity issues.

### **Air Quality**

Policy D2 of the adopted North West Leicestershire Local Plan also seeks to ensure that adverse effects of development on residents' amenities is minimised (and including in respect of pollution); Policy En6 provides that development close to an Air Quality Management Area (AQMA) will be supported where an application is accompanied by a detailed assessment of the issues, and appropriate mitigation is identified.

The closest AQMA to the site is at the Broom Leys Crossroads, and the application is accompanied by an Air Quality Assessment addressing the implications of the proposed development on the AQMA, and with particular reference to the most sensitive residential receptors in the vicinity of the crossroads. This indicates that concentrations have been modelled for the four "worst-case" receptors within the AQMA (i.e. existing residential properties adjacent to the crossroads where impacts would be expected to be the greatest), and that

concentrations of nitrogen dioxide and airborne particles (PM<sub>10</sub> and PM<sub>2.5</sub>) would remain below the objective in 2021 (either with or without the proposed development), and that all impacts would be negligible.

The Air Quality Assessment also concludes that, subject to the plant being installed in accordance with the mitigation measures identified, the contributions of proposed Combined Heat and Power (CHP) and boiler plant to nitrogen dioxide concentrations (and including when considered in combination with emissions associated with traffic) would fall below both the identified short-term and long-term screening criteria for all locations where there are sensitive receptors (including, in effect, properties within 700m x 700m receptor grid surrounding the site).

On the basis of the above, therefore, the scheme is considered acceptable in terms of air quality impacts, and the relevant requirements of Policies En6 and D2 would be complied with; no objections are raised by the District Council's Environmental Protection team in respect of air quality issues.

### **Geotechnical Issues, Land Contamination and Minerals**

The application is accompanied by a Phase 2 geo-environmental and geotechnical site investigation assessing the potential hazards / contamination risks. This raises no significant issues but makes a number of recommendations in respect of, for example, further water quality assessment (in respect of the Grace Dieu Brook), further gas monitoring, and the use of piled foundations.

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 development is therefore considered acceptable in this regard.

It is noted that the site falls within a mineral consultation area, and the policies of the Leicestershire Minerals and Waste Local Plan and the NPPF presume against development that would sterilise mineral resources. At the time of preparing this report, no comments in respect of the application had been received from the County Planning Authority, and any subsequently received will be reported on the Update Sheet.

### **Other Sustainability Issues**

In addition to the climate change policies (including Local Plan Policies Cc2 and Cc3) set out under Flood Risk and Drainage above, Local Plan Policy D1 requires (amongst others) new non-residential development to address positively the Council's Place Making principles (and, in particular in terms of the greener footprint criterion), and for all new development to have regard to sustainable design and construction methods; Paragraph 150 of the NPPF provides that new development should be planned for in ways that avoids increased vulnerability to the range of impacts arising from climate change, and can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

The application is accompanied by a BREEAM and Sustainability Statement setting out the environmental credentials of the proposals, and the measures to be incorporated within the scheme in order to achieve this. In particular, it identifies the following measures proposed to be incorporated within the development:

- Achievement of a minimum of BREEAM "Very Good";
- On-site efficient energy generation using heat pumps and a Combined Heat and Power

- (CHP) system;
- Sustainable drainage, including rainfall attenuation to an agreed discharge rate which includes an allowance for climate change;
- Installation of energy efficient lifts;
- Building designed and constructed using modelling techniques to reduce embodied carbon in material selection and construction;
- Cycle storage, new signage and travel planning to encourage sustainable transport;
- Ecologically beneficial landscaping scheme integrated into the wider masterplan landscape proposals as well as ecological enhancements;
- Water conservation measures; and
- Energy efficient external lighting, designed to reduce light pollution

It is accepted that these measures would (where applicable) positively assist the development in terms of its performance under those sections of Local Plan Policy D1 referred to above.

It is noted that objection has been raised on the basis of the proposed use of a CHP system and, in particular, the objector suggests that a mines water ground source heat pump ought to be used instead; the objector also considers that the scheme would be contrary to a Council policy to be carbon neutral. This would appear to be a reference to the resolution of Full Council on 25 June 2019 which provided, amongst others, that the District Council will aim to achieve carbon neutrality from its own operations by 2030. For their part, agents acting on behalf of the Council (as applicant) confirm that consideration has been given to the alternative method suggested and, whilst this has not been included as part of the proposals due to cost issues, the development proposed would be designed in a flexible manner so as to enable retro-fitting of alternative technologies should these become feasible in the future.

Whilst the objector's comments regarding the resolution of Full Council are noted, the key issue in this respect (insofar as the determination of this planning application is concerned) is what the relevant *planning* policies require (and including the policies of the adopted Local Plan). In this case, there are no adopted planning policies requiring development to be carbon-neutral and, moreover, the proposals set out above would, it is considered, go above and beyond the minimum that would reasonably be expected from new development in order to satisfy these elements of Policy D1 achieving, it is noted, a minimum BREEAM rating of "Very Good". As such, whilst the objector's concerns are noted, and whilst any additional measures beyond those set out above to enhance the sustainability credentials of the site further would of course be welcomed, the scheme is considered to be acceptable as submitted, and a refusal on this issue would not be warranted.

### **Developer Contributions**

Paragraphs 54 and 56 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

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

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

The relevant developer contributions set out under Means of Access, Highways and Transportation above (and including those relating to Travel Plans, public transport initiatives for staff and contributions towards transportation infrastructure) are considered to meet the relevant

policy and legislative tests. In terms of other developer contributions, given the incorporation of the proposed National Forest planting on-site, it is not considered that any other developer contributions per se would be required by way of a planning obligation. In view of the identity of the applicant, determination of the precise mechanism for securing any such obligations (i.e. by way of a Section 106 agreement, or by way of an alternative arrangement if considered more appropriate procedurally) is recommended to be delegated to the Head of Legal and Commercial Services.

### **Other Matters**

In terms of other matters raised in representations and not addressed above, the agent confirms as follows:

- There are currently no plans to resurface Bridle Road and neighbouring properties' parking area
- The District Council's Waste Services team has advised that there would be no issues with installing additional litter bins in the area, and that, following completion of the development, scheduled litter picking in the area could be increased
- Carrying out of development in such a way as to ensure no impact on horses nearby could be picked up as part of a detailed Construction Management Plan

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

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. The site is located within Limits to Development as defined in the adopted Local Plan, but is also within an Area of Separation; Policy En5 sets out the approach to considering applications in the Area of Separation.

As set out above, it is considered that, as a sport / leisure / recreation use, the proposals would comply with the first part of Policy En5. Insofar as the second element of the policy is concerned, it is considered that, as a built development is proposed, there would be a degree of impact on the present open and undeveloped character of the Area of Separation. However, when taking into account the demonstrable need for the development, the absence of more suitable sites and, in this instance, the relatively limited impacts on the Area of Separation afforded by landscaping and the enclosed nature of the site, the benefits of the scheme would be considered to outweigh the harm to the open and undeveloped character of the Area of Separation. Whilst there would be impacts on some of the trees on the site, the impacts would be considered to be mitigated by new planting and, again, by the other benefits of the scheme.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirements of other policies, such as those set out within the National Planning Policy Framework). As set out above, the NPPF contains a presumption in favour of sustainable development. Having regard to the three objectives of sustainable development, it is concluded as follows:

#### **Economic Objective:**

The application documents suggest that this proposal would create up to 40 full and part time jobs (comprising the equivalent of 33 full time equivalent (FTE) posts (compared with the existing 29 FTE posts at Hermitage Leisure Centre)), together with those associated with the scheme's construction and other indirect jobs. Whilst the development would be located away

from an identified town centre, the relevant sections above assess the impact of the development on the vitality and viability of the town centre, and conclude that no unacceptable impacts would result.

**Social Objective:**

The economic benefits associated with the proposed development would, by virtue of the jobs created, also be expected to provide some social benefits. More significantly, however, would be the benefits in terms of the scheme's role in helping to deliver healthy communities by providing a range of internal and external sport and recreational facilities, making an important contribution towards meeting current and future community health and social well-being needs. The NPPF also refers to the need to foster a well-designed and safe built environment in terms of the social objective; the scheme is considered to perform well in respect of these criteria, particularly in respect of the proposals' design credentials.

**Environmental Objective:**

The site is within an Area of Separation as identified in the adopted Local Plan, and the scheme would result in the loss of a number of trees, but this needs to be considered in the context of the impact of the topography of the site and existing and proposed landscaping. The development would be located on greenfield land, but it is also acknowledged that the scheme would include biodiversity enhancements, and that (pending the completion of additional investigation works to support the conclusions of the submitted Archaeological Desk Based Assessment), no adverse impacts in terms of the historic environment would be anticipated. The site is also located away from an existing town or local centre and, whilst this would have an impact on the number of users accessing the site by foot, the site is considered to be well served in terms of cycle routes and public transport, providing an appropriate choice of travel. The proposals are also considered to perform well in terms of their overall environmental impacts, and in particular would achieve a minimum BREEAM rating of "Very Good".

Having regard to the three dimensions of sustainable development, therefore, it is considered that, overall, the scheme would perform well. Whilst there would be an element of conflict with Local Plan policy (and, in particular Policy En5), it is concluded that, subject to satisfactory resolution of the issues set out above (including those in respect of means of access, highways and transportation), and subject to the imposition of the conditions below which would be considered to ensure other issues considered in this report would be addressed satisfactorily, the proposed development would comply with the provisions of the development plan as a whole, and would benefit from the presumption in favour of sustainable development. Approval is therefore recommended.

**RECOMMENDATION- PERMIT, subject to the County Highway Authority raising no objections on planning grounds, subject to Section 106 Obligations (or equivalent obligations secured under an alternative mechanism as considered appropriate by the District Council's Head of Legal and Commercial Services), and subject to the following conditions**

- 1 Time limit
- 2 Approved plans
- 3 Hours of use



- 4 Programme for first occupation of the proposed development in relation to the closure of Hermitage Leisure Centre
- 5 Materials
- 6 Hardsurfacing
- 7 Landscaping (including landscape management plan)
- 8 External lighting
- 9 Drainage
- 10 Construction Environmental Management Plan
- 11 Outside storage
- 12 Details of substation, gas meter, bin compound, external seating, trim trail stations, play equipment and high ropes
- 13 Details of any other external plant and machinery (including all food / fume extraction plant)
- 14 Clarification that no permission is granted for potential future development as indicated on the plans (including 3G pitches and five-a-side pitches)
- 15 Boundary treatment
- 16 Archaeology
- 17 Ecology (including ecological management plan)
- 18 Air quality mitigation
- 19 Tree / hedgerow protection measures
- 20 Ground conditions / contaminated land
- 20 Compliance with identified BREEAM rating
- 21 Provision of site accesses (including pedestrian access)
- 22 Parking and servicing areas (including cycle parking)
- 23 Travel Plan

**Plus any other conditions recommended by the County Highway Authority**